

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

**DANIEL J.
FITZPATRICK,**
Appellant
v.

Case No.: E-10-164

CITY OF LAWRENCE,
Respondent

ORDER TO AMEND DECISION

The Civil Service Commission issued a decision on July 1, 2010 that adjusted the civil service seniority dates of eighteen (18) police officers in the City of Lawrence. See Shawn Quaglietta and Eleven Others v. City of Lawrence.

Each of the eighteen (18) police officers either filed an appeal with the Commission or were deemed intervenors.

Daniel J. Fitzpatrick is a similarly situated individual. He was hired after the issuance of a 1995 Essex Superior Court order related to this matter; he has a current civil service seniority date of 12/15/97; and he began performing the duties of a full-time police officer on 12/23/96.

Mr. Fitzpatrick did not file an appeal with the Commission before July 1, 2010 because he was on vacation and was unaware of the proceedings. Upon returning from vacation, he promptly filed the instant appeal. I held a pre-hearing conference on August 17, 2010 regarding this matter.

It is undisputed that the Appellant is a similarly situated individual to the other 18 individuals granted retroactive civil service seniority dates and the City assents to the Appellant's request.

For these reasons, the order issued on July 1, 2010 is hereby amended to include the name of Daniel J. Fitzpatrick. His current civil service seniority date of 12/15/97 is to be adjusted to 12/23/96 (see attached amended decision).

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson and McDowell, Commissioners [Stein, Marquis – Absent]) on August 26, 2010.

A True Record. Attest:

Commissioner

Either party may file a motion for reconsideration within ten days of the receipt of a Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 CMR 1.01(7)(l), the motion must identify a clerical or mechanical error in the decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration shall be deemed a motion for rehearing in accordance with G.L. c. 30A, § 14(1) for the purpose of tolling the time for appeal.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the Commission's order or decision.

Notice to:

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Appellants:
Shawn Quaglietta
Daniel Fleming
James Raso
Michael Simard
Robert DiBenedetto
James Fitzpatrick
Dawn Pappalardo
Steven Scheffen
Jeffrey Hart
Timothy Dube
Thomas Murphy
Robert Moody
Daniel J. Fitzpatrick

Intervenors:
Scott McNamara
Alan Laird
John Heggarty
Joseph Beaulieu
Marco Ayala