

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

Decision mailed: 4/8/11  
Civil Service Commission OB

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

**JASON RAMOS,**  
*Appellant*  
v.

**CITY OF SPRINGFIELD  
& HRD,**  
*Respondent*

**Case No.: E-11-80**

**DECISION ON MOTION FOR RELIEF UNDER  
CHAPTER 310 OF THE ACTS OF 1993**

The Appellant took and passed a civil service examination for the position of firefighter in the City of Springfield's Fire Department (Fire Department). His name appeared on Certification No. 206437, which the state's Human Resources Division (HRD) sent to the Fire Department on April 12, 2010.

The Appellant signed the Certification indicating his willingness to accept appointment. For reasons unknown to the Commission at this time, the Fire Department made a second copy of the Certification and required candidates to sign both copies.

According to the Fire Department, the Appellant only signed one (1) copy of the Certification. The Fire Department then used the Certification not signed by the Appellant when reviewing candidates. Thus, the Appellant was not considered for appointment.

On January 20, 2011, the Fire Department states that it was informed of this error by HRD. On February 24, 2011, the Fire Department filed a request with the Commission asking that the Appellant's name be placed at the top of the next Certification and remain there until he receives at least one additional consideration.

On March 23, 2011, a pre-hearing conference was held at the Springfield State Building, which was attended by counsel for the Fire Department and HRD (via teleconference). The Appellant, despite being notified of the pre-hearing, did not attend.

As there is no question that the Appellant was harmed through no fault of his own, the Commission allows the request for relief.

The Commission reserves the right, however, to further investigate the circumstances surrounding why the Appellant was not considered for appointment. As part of another appeal heard the same day (See Benevento v. Springfield Fire Department, CSC Case No. G1-11-69), there were allegations that the hiring process was tainted by personal bias. Depending on the outcome of that appeal and/or any related investigations that may arise, the Commission reserves the right to consider further relief to the Appellant beyond what is being granted here.

For these reasons, the Commission, pursuant to Chapter 310 of the Acts of 1993, hereby orders HRD to place the name of Jason Ramos at the top of future certifications for the position of permanent full-time firefighter within the Springfield Fire Department until he is appointed or bypassed. Further, if the Appellant is selected for appointment, he shall receive a retroactive seniority date for civil service purposes only the same as those selected from Certification No. 206437.

This retroactive seniority date is not intended to provide the Appellant with any additional and/or retroactive compensation.

Civil Service Commission

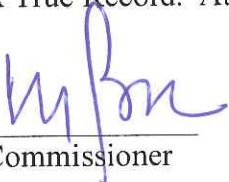


Christopher C. Bowman  
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Stein, Commissioners [McDowell – Absent] on April 7, 2011.

**Commissioner Marquis was  
absent on April 7, 2011**

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. 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:

Jason Ramos (Appellant)

Jeffrey Krok, Esq. (for Appointing Authority)

John Marra, Esq. (HRD)