

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

**CIVIL SERVICE COMMISSION**

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

ANTONE RANEO-WILSON,  
Appellant

v.

D-08-32

DEPARTMENT OF STATE POLICE,  
Respondent

Appellant's Attorney:

*Pro Se*  
Antone Raneo-Wilson  
114 Sheppard Street  
Fort Leonard Wood, MO 65473

Respondent's Attorney:

Michael B. Halpin, Esq.  
Department of State Police  
470 Worcester Road  
Framingham, MA 01702

Commissioner:

Donald R. Marquis

**DECISION ON RESPONDENT'S MOTION TO DISMISS**

Pursuant to the provisions of G.L. c. 31, § 43 and G.L. c. 22C, § 13, the Appellant, Antone Raneo-Wilson (hereafter "Appellant" or "Raneo-Wilson") filed an appeal with the Civil Service Commission (hereafter "Commission") on January 25, 2008, appealing the May 3, 2002 decision of the Department of State Police (hereafter "State Police") to suspend him for four months.

On March 10, 2008, the State Police filed a Motion to Dismiss the Appellant's appeal as the Commission's authority to hear cases pursuant to G.L. c. 22C, § 13 did not become effective until May 13, 2002, 10 days after the May 3, 2002 decision of the State Police

to suspend the Appellant for four months.<sup>1</sup> The Appellant filed an answer to the Motion to Dismiss on March 13, 2008 and a pre-hearing conference was conducted at the offices of the Commission on May 5, 2008, at which time oral argument was heard from both parties.

In his answer to the Motion to Dismiss, the Appellant acknowledges that he did receive notice of his four-month suspension on May 3, 2002, but argues that this was not proper notice, as it did not include the findings and recommendations of the State Police Trial Board, which the Appellant claims he did not receive until April 4, 2002.

### *Conclusion*

It is undisputed that the Commission's authority to hear cases pursuant to G.L. c. 22C, § 13 became effective May 13, 2002. Since the Appellant was notified of his suspension on May 3, 2002, ten days prior to the May 13, 2002 effective date, the Commission has no jurisdiction to hear this appeal. Further, the Appellant's claim that he was not provided with the findings and recommendations of the State Police Trial Board until July 2002, even if true, would not grant the Commission authority to review a state police disciplinary decision issued, approved and published before May 13, 2002.

Finally, pursuant to G.L. c. 31, § 43, a disciplinary appeal must be filed with the Commission within ten days of the individual being notified of the discipline. The instant appeal was not filed with the Commission until January 25, 2008, over five years since he was notified of the discipline. Although the Appellant states that his active duty in the military has prevented him from appealing the decision of the State Police, that

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<sup>1</sup> Prior to being amended, G.L. 22C, § 13, allowed state troopers such as the Appellant to appeal a disciplinary action of the State Police to the appropriate District Court.

active duty, according to the Appellant, did not commence until February 2003, nine months after the suspension was imposed.

For all of the above these reasons, the Appellant's appeal under Docket No. D-08-323 is hereby *dismissed*.

Civil Service Commission

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Donald R. Marquis  
Commissioner

By vote of the Civil Service Commission (Bowman, Chairman; Henderson, Marquis and Taylor, Commissioners) on May 15, 2008.

A true record. Attest:

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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:  
Antone Raneo-Wilson (Appellant)  
Michael B. Halpin, Esq. (for Department of State Police)