

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114

E. S.,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket Number: B2-25-088

Appearance for Appellant: E. S., *pro se*

Appearance for Respondent: Michael J. Owens, Esq.
Labor Counsel
Human Resources Division
100 Cambridge Street, Suite 600
Boston, MA 02114

Commissioner: Paul M. Stein

SUMMARY OF DECISION

The Commission denied an examination appeal brought by a candidate who took the 2025 Transitional Parole Officer examination as she had failed the written component and did not have any qualifying experience that would entitle her to points on the employment and experience (E&E) component.

DECISION ON RESPONDENT'S MOTION FOR SUMMARY DECISION

On March 28, 2025, the Appellant, E. S., appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 24, after the state's Human Resources Division (HRD) informed her that she had failed the written component of the 2025 Transitional

Parole Officer (TPO) examination. I held a remote pre-hearing conference on June 24, 2025. HRD's Pre-Hearing Memorandum was deemed a Motion for Summary Decision. The Appellant was provided with an opportunity to submit a response to HRD's Motion to Dismiss but she did not do so. After careful review of the information provided, HRD's Motion for Summary Decision is allowed and the Appellant's appeal is dismissed.

UNDISPUTED FACTS

HRD submitted four exhibits with its Pre-Hearing Memorandum (*Resp.Exhs.1 through 4*) and one supplemental exhibit (*Resp.Exh.7*). I marked the Appellant's resume as *App.Exh.1*. Based on the submission of the parties, the following facts are not disputed:

1. The Appellant, E. S., is an Office Support Specialist employed by the Massachusetts Parole Board. (*Claim of Appeal; HRD Pre-Hearing Memorandum*)
2. On or about January 14, 2025, the Appellant applied to take the February 15, 2025 Transitional Parole Officer Examination. The examination was comprised of a written component and an E&E component. The E&E component was a required component and accounted for 20% of the total exam score. (*Resp.Exhs. 1 & 2*)
3. The Transitional Parole Officer examination poster contained, in relevant part, the following statement concerning the E&E component:

Pursuant to the provisions of [MGL Ch. 31, Section 22](#), individuals may apply to receive credit for employment or experience in the position title of Transitional Parole Officer. You must claim this credit by completing the applicable section of the application. All claims must be verified by supporting documentation, which must provide specific details of any employment or experience you have in the examination title as a Transitional Parole Officer, including dates of service and number of hours worked per week. The supporting documentation must be on original letterhead with an original signature from the appointing authority where the employment or experience occurred. Credit for employment or experience is applicable only to

individuals who achieve a passing score on the written examination and cannot be added to a failing written examination score. Claims must be submitted during the application period; supporting documentation must be scanned and attached to your application or sent to civilservice@mass.gov. Supporting documentation must be submitted within seven calendar days of the written examination.

(Resp.Exh.1) (*emphasis added*)

4. The Appellant participated in the written component of the examination administered by HRD on February 15, 2025. (*Claim of Appeal; HRD Pre-Hearing Memorandum*)

5. The Appellant did not submit an E&E application through the on-line portal prior to the deadline of February 22, 2025. (*HRD Pre-Hearing Memorandum; Resp.Exh.3*)

6. On March 16, 2025, HRD informed the Appellant that she had failed the Transitional Parole Officer examination. (*Resp.Exh.4*)

7. On March 28, 2025, the Appellant filed this appeal with the Commission, referencing medical reasons for not completing the E&E component of the examination. (*Claim of Appeal*)

8. The Appellant had no prior experience as a permanent, temporary, acting, or provisional Transitional Parole Officer. (*App.Ext.1*)

APPLICABLE LEGAL STANDARD

A motion to dispose of an appeal, in whole or in part, via summary decision may be allowed by the Commission pursuant to 801 C.M.R. 1.01(7)(h) when, “viewing the evidence in the light most favorable to the non-moving party”, the undisputed material facts affirmatively demonstrate that the non-moving party has “no reasonable expectation” of prevailing on at least one “essential element of the case”. See, e.g., Milliken & Co. v. Duro

Textiles LLC, 451 Mass. 547, 550 n.6 (2008); Maimonides School v. Coles, 71 Mass. App. Ct. 240, 249 (2008); Lydon v. Massachusetts Parole Bd, 18 MCSR 216 (2005). See also Mangino v. HRD, 27 MCSR 34 (2014) and cases cited (“The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass.R.Civ.P.56; namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing.”); Morehouse v. Weymouth Fire Dept, 26 MCSR 176 (2013) (“a party may move for summary decision when . . . there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.”)

ANALYSIS

The undisputed facts, viewed in a light most favorable to the Appellant, establish that this appeal must be dismissed.

Section 22 of Chapter 31 of the General Laws prescribes that “[t]he administrator [HRD] shall determine the passing requirements of examinations.” According to the Personnel Administration Rules (PAR) 6(1)(b), “[t]he grading of the subject of training and experience as a part of a promotional examination shall be based on a schedule approved by the administrator [HRD] which shall include credits for elements of training and experience related to the position for which the examination is held.” Pursuant to Section 24 of Chapter 31, “. . . the commission shall not allow credit for training or experience unless such training or experience was fully stated in the training and experience sheet filed by the applicant at the time designated by the administrator [HRD]”.

The Commission repeatedly has held that consistency and equal treatment are fundamental as important hallmarks of the basic merit principles under civil service law.

DiGiando v. HRD, 37 MCSR 252 (2024). The Commission generally has deferred to HRD's expertise and discretion to establish reasonable requirements, consistent with basic merit principles, for crafting, administering, and scoring examinations. In particular, in deciding prior appeals, the Commission has concluded that, as a general rule, HRD's insistence on compliance with its established examination requirements for claiming and scoring training and experience credits was neither arbitrary nor unreasonable. See Helms v. HRD, 38 MCSR 147 (2025); Bell v. HRD, 38 MCSR 44 (2025); Donovan v. HRD, 38 MCSR 60 (2025); Weaver v. HRD, 37 MCSR 313 (2024); Medeiros v. HRD, 37 MCSR 56 (2024); Dunn v. HRD, 37 MCSR (2024); Kiley v. HRD, 36 MCSR 442 (2024); Evans v. HRD, 35 MCSR 108 (2022); Turner v. HRD, 34 MCSR 249 (2022); Amato v. HRD, 34 MCSR 177 (2021); Wetherbee v. HRD, 34 MCSR 173 (2021); Russo v. HRD, 34 MCSR 156 (2021); Villavizar v. HRD, 34 MCSR 64 (2021); Holska v. HRD, 33 MCSR 282 (2020); Flynn v. HRD, 33 MCSR 237 (2020); Whoriskey v. HRD, 33 MCSR 158 (2020); Bucella v. HRD, 32 MCSR 226 (2019); Dupont v. HRD, 31 MCSR 184 (2018); Pavone v. HRD, 28 MCSR 611 (2015); and Carroll v. HRD, 27 MCSR 157 (2014).

The evidence establishes that the Appellant did not achieve a passing score on the written component of the Transitional Parole Officer examination. She does not dispute that fact. She also does not dispute the fact that she has had no experience as a Transitional Parole Officer, which is the only experience for which E&E credit was granted on that examination. Either of those facts require the Commission to dismiss this appeal.¹

¹ I offered the Appellant time to submit such additional information as she could to establish any extenuating circumstances that would excuse her failing to request a timely medical deferral of the examination, but she eventually decided not to do so.

CONCLUSION

For the reasons stated above, HRD's Motion for Summary Decision is **granted** and the Appellant's appeal under Docket Number B2-25-088 is **dismissed**.

CIVIL SERVICE COMMISSION

/s/ Paul M. Stein

Paul M. Stein
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, and Stein Commissioners) on November 13, 2025.

Either party may file a motion for reconsideration within ten days of the receipt of this 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 this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L.c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L.c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

E. S. (Appellant)

Michael J. Owens, Esq. (for Respondent)