

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

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

HERBERT G. SMART,  
Appellant

v.

G2-12-244

DEPARTMENT OF CONSERVATION  
AND RECREATION (DCR),  
Respondent

Appearance for Appellant:

*Pro Se*  
Herbert G. Smart

Appearance for Respondent:

Frank Hartig, Esq.  
Assistant General Counsel  
DCR  
251 Causeway Street  
Boston, MA 02114

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

On August 29, 2012, the Appellant, Herbert Smart (Mr. Smart), a Forest and Park Supervisor I, filed an appeal with the Civil Service Commission (Commission) contesting various alleged actions and inactions by the Department of Conservation and Recreation (DCR).

A pre-hearing was held at the offices of the Commission on September 25, 2012, which was attended by Mr. Smart, counsel for DCR and two (2) other DCR representatives.

Based on the statements of the parties, the only issue identified in Mr. Smart's appeal for which the Commission may have jurisdiction is whether or not Mr. Smart is properly classified as a Forest and Park Supervisor I from Memorial Day to Labor Day of each year.

Even if the Commission has jurisdiction regarding this matter, Mr. Smart must first file a reclassification appeal with DCR and, if denied, with the state's Human Resources Division – prior to filing an appeal with the Commission.

For this reason, Mr. Smart's appeal under Docket No. G2-12-244 is hereby *dismissed*.

Civil Service Commission

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Christopher C. Bowman, Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on October 18, 2012.

A true record. Attest:

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Commissioner

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 as stated below.

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 from the effective date specified in 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.

Notice:

Herbert Smart (Appellant)

Frank Hartig, Esq. (for Respondent)

John Marra, Esq. (HRD)