

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

**CIVIL SERVICE COMMISSION**

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

ROBERT A. STABILE,  
Appellant

v.

G2-15-73

TOWN OF ANDOVER,  
Respondent

Appearance for Appellant:

William D. Cox, Jr., Esq.  
145 South Main Street  
Bradford, MA 01835

Appearance for Respondent:

Joshua R. Coleman, Esq.  
Collins, Loughran & Peloquin, P.C.  
320 Norwood Park South  
Norwood, MA 02062

Commissioner:

Christopher C. Bowman<sup>1</sup>

**DECISION**

On April 10, 2015, the Appellant, Robert A. Stabile (Lt. Stabile), pursuant to G.L. c. 31, § 2 (b), filed this appeal with the Civil Service Commission (Commission), contesting the decision of the Town of Andover (Town) to bypass him for promotion to the position of Deputy Fire Chief. On May 12, 2015, a pre-hearing conference was held at the offices of the Commission. A status conference was held via telephone on June 24, 2015 to discuss a number of procedural issues regarding the issuance of subpoenas and other discovery matters. A full hearing was held at the same location over two (2) days on June 30, 2015 and July 28, 2015.<sup>2</sup>

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<sup>1</sup> The Commission acknowledges the assistance of Law Clerk Todd M. Hirsch in the drafting of this decision.

<sup>2</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00, *et seq.*, apply to adjudications before the Commission with G.L. c. 31, or any Commission rules, taking precedence.

The hearing was digitally recorded with copies provided to the parties. The testimony was also transcribed. The transcriptions will be the official record in this matter.

## **FINDINGS OF FACT**

Thirty-four (34) exhibits were entered into evidence at the hearing. Based on these exhibits, the testimony of the following witnesses:

*Called by the Town:*

- Michael Mansfield, Fire Chief, Andover Fire Department;
- Kevin Farrell, Fire Chief, Danvers Fire Department;
- Scott Gibson, Deputy Fire Chief, Andover Fire Department;
- Chief John Brickett, Former Fire Chief, Amesbury Fire Department;
- Reginald “Buzz” Stapczynski, Andover Town Manager (Retired);

*Called by Lt. Stabile:*

- Richard McClellan, Fire Chief, Wilmington Fire Department;
- Daniel H. Kowalski, Andover Board of Selectmen;
- Robert A. Stabile, Appellant;

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, policies, and case law, and reasonable inferences from the credible evidence, a preponderance of the credible evidence establishes the following findings of fact:

1. Lt. Stabile is a long-time resident of Andover who graduated from Andover High School. He then attended the University of New Haven, later transferring to the University of Lowell. He eventually graduated from North Shore Community College in 2001, receiving an Associates degree in Fire Protection and Safety Technology. He had plans to pursue a Bachelors degree

at Anna Maria College in the summer of 2012, but this was interrupted by a medical issue.  
(Exh. 10; Testimony of Lt. Stabile)

2. Lt. Stabile has over twenty-six (26) years of experience with the Andover Fire Department. He joined the Department in 1988 as a firefighter and was promoted to Lieutenant in 1996, a position that he has held ever since. He has received over 1100 hours of training and has obtained over two dozen certifications. (Exh. 10; Testimony of Lt. Stabile)
3. Lt. Stabile has two grown children from his first marriage. He is divorced from his first wife and currently lives with his fiancé, who also has two grown children. (Testimony of Lt. Stabile)
4. The Town of Andover Fire Department employs one (1) chief, four (4) deputy chiefs, and thirteen (13) lieutenants. Altogether, the Department employs approximately sixty-eight (68) people. (Testimony of Chief Mansfield)
5. Michael Mansfield is the Town's Fire Chief. He was first employed as a firefighter in 1980 with Nashua, New Hampshire. After approximately eleven (11) years, he was promoted to the rank of Lieutenant and, four years after that, he was promoted to the position of Captain. Subsequently, he was promoted to the position of Deputy Chief and later Assistant Chief in Nashua. In 2007, he was appointed as the Fire Chief in Andover. (Testimony of Chief Mansfield)
6. During his time as Chief of the Andover Fire Department, Chief Mansfield made two (2) prior promotional appointments to Deputy Fire Chief. In regard to these prior promotional appointments, there was only one person on the Certification. For each of these promotional appointments, Chief Mansfield conducted one-on-one interviews with the candidates and promoted each of them. In July 2014, Chief Mansfield made a promotional appointment to

Lieutenant, in which there was more than one eligible candidate on the Certification. For that promotional appointment, Chief Mansfield used an interview panel to assist him in making his ultimate recommendation to the appointing authority. (Testimony of Chief Mansfield)

7. In December 2014, Chief Mansfield requested a Certification list to fill a permanent, full-time Deputy Fire Chief position. Three (3) candidates signed the Certification: Lt. Stabile, Scott M. Gibson and Kyle P. Murphy. Chief Mansfield was provided with the rankings of the three candidates, based on their performance on the civil service examination, but, consistent with the practice of the state's Human Resources Division (HRD), was not provided with their actual scores. (Exhs. 2 & 14; Testimony of Chief Mansfield)
8. Lt. Stabile, who earned a score of eighty-seven (87) on the civil service examination, was ranked highest. Scott Gibson, who earned a score of eighty (80), was ranked second highest on the Certification. (Exhs. 2, 22 & 23 and Testimony of Lt. Stabile)<sup>3</sup>
9. Mr. Gibson was appointed as a firefighter in Andover in 1999 and promoted to lieutenant in 2001, a position he served in for 13 ½ years prior to being promoted to Deputy Fire Chief as part of the current hiring process. At the time of the hearing, he was eight (8) credits short of a bachelors degree in Fire Science. (Testimony of Mr. Gibson)
10. After receiving the above-referenced rankings, Chief Mansfield assembled an interview panel to assist him in determining which of the three candidates to promote. Chief Mansfield contacted five (5) area Fire Chiefs to request their assistance in serving on an interview panel. The five Fire Chiefs that agreed to participate were Chief Buote of Methuen, Chief LeClaire of Newburyport, Chief Farrell of Danvers, Chief McClellan of Wilmington, and Chief Brickett of Amesbury. (Testimony of Chief Mansfield)

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<sup>3</sup> The information related to candidate scores is based on the testimony of Lt. Stabile and Mr. Gibson.

11. The interview panelists were not provided with any information regarding the identities of the three (3) candidates until the day of the interview. (Testimony of Chief Mansfield; Chief Farrell; Chief McClellan; and Chief Brickett)
12. On December 5, 2014, Chief Mansfield sent a letter to each of the three candidates informing them that a promotional interview was scheduled for December 30, 2014. The letter also invited the candidates to submit any supporting documentation before the date of the interview. (Exh. 3; Testimony of Chief Mansfield)
13. A few days before the interview, Lt. Stabile approached Chief Mansfield asking him to provide details about the interview process, including whether the interview would be conducted by a panel. Chief Mansfield declined to answer his questions. Neither of the other two candidates approached Chief Mansfield to ask similar questions. (Testimonies of Chief Mansfield and Lt. Stabile)
14. Chief Mansfield prepared an initial list of questions to be used by the interview panel. On the day of the interview, the panel pared down the number of questions to twelve (12). (Testimony of Chief Mansfield; Chief Farrell; and Chief McClellan)
15. The interview was held on the morning of December 30, 2014 at Department headquarters. Each member of the interview panel was given a packet by Chief Mansfield which included his original list of questions, an agenda, and answer sheets to be used during the interviews. (Testimony of Chief Mansfield)
16. The five panelists determined a scoring system whereby each of the candidates' responses would be graded on a scale of one (1) to five (5), with one being the lowest possible score and five being the highest possible score. (Testimony of Chief Mansfield and Chief McClellan)

17. The five (5) panelists took turns asking the questions, assigned a score to each answer given, and took written notes. Chief Mansfield was present while the interviews were conducted, but did not participate in asking the questions. (Testimony of Chief Mansfield; Chief Farrell; and Chief McClellan)
18. All five (5) panelists scored Mr. Gibson higher than Lt. Stabile. Mr. Gibson's total score was 205.5, while Lt. Stabile's total score was 151. (Exh. 5)
19. Chief Farrell gave Lt. Stabile a score of 30 and gave Mr. Gibson a score of 39. Chief Farrell concluded that Mr. Gibson had more command presence and was more poised during the interview than Lt. Stabile, who was nervous and had trouble articulating his answers. For example, question number three asked the candidates "what are the key tasks as a deputy chief." Chief Farrell concluded that Lt. Stabile's answer was a "cookie cutter answer" that was not very well thought out. For this answer, he awarded Lt. Stabile a score of one point. Chief Farrell found that Mr. Gibson's answer addressed "pretty much every aspect I would expect a shift commander to be responsible for on the day-to-day operations." For this more thorough answer, Chief Farrell awarded Mr. Gibson a score of five points. (Exhs. 5, 6 & 8; Testimony of Chief Farrell)
20. Chief Farrell recognized Lt. Stabile on the day of the interview, because they both participated in the Essex County Technical Rescue Team. (Testimony of Chief Farrell)
21. Chief McClellan gave Mr. Stabile a score of 39 and gave Mr. Gibson a score of 41. For question fifteen, which asked candidates "what are your long term goals or Deputy Fire Chief career plans," Chief McClellan gave Lt. Stabile a score of one point and Mr. Gibson a score of five points. Four out of the five Chiefs scored Lt. Stabile one point for question fifteen. Chief McClellan found that Lt. Stabile's answer that he wanted to become a fire arson

investigator focused on “a very small component of the job of a deputy,” thereby ignoring all of the other responsibilities of the job. Conversely, Mr. Gibson answered that he wanted to become Chief. Chief McClellan gave Mr. Gibson a score of five for this answer because this was “a great goal.” (Exh. 5, 6 & 8; Testimony of Chief McClellan)

22. Chief McClellan recognized Lt. Stabile on the day of the interview because they took a few classes together in past years. (Testimony of Chief McClellan)

23. Chief Brickett gave Lt. Stabile a score of 18 and gave Mr. Gibson a score of 44. This was the lowest score that Lt. Stabile received and the highest score that Mr. Gibson received, respectively. Chief Brickett found Lt. Stabile’s answers to be unclear and vague and found him to be ill prepared for the interview. On the other hand, Chief Brickett found that Mr. Gibson showed no hesitation in giving clear and concise answers. For example, for question six, which asked candidates, “what interests you about the Deputy Chief position,” Chief Brickett awarded Lt. Stabile one point and awarded Mr. Gibson three points. Lt. Stabile answered that he wanted to work with command staff. This answer bothered Chief Brickett because a Deputy Chief *is* the command staff and must be able to take charge. Chief Brickett concluded that Mr. Gibson, who talked about his desire to be an incident commander, better articulated the responsibilities of a Deputy Chief. (Exhs. 5, 6 & 8; Testimony of Chief Brickett)

24. Chief Brickett recognized Lt. Stabile during the interview because they both belong to the same labor union and he taught Lt. Stabile in one of his classes. (Testimony of Chief Brickett)

25. The interview panelists also considered supporting documentation submitted by the candidates. This included resumes, letters of recommendation, transcripts, and certifications.

Among other documents, Lt. Stabile submitted a letter from a local legislator that discusses specific qualifications possessed by the candidate, including a listing of certain professional accomplishments and educational achievements.<sup>4</sup> (Exhs. 9 & 10)

26. After reviewing both the civil service rankings of each candidate and the interview performance ratings submitted by each of the five panelists, and considering the education and experience of the candidates, Chief Mansfield recommended that Mr. Gibson be appointed to the position of Deputy Fire Chief. (Testimony of Chief Mansfield)
27. On January 6, 2015, Chief Mansfield spoke with Lt. Stabile. At the meeting, Chief Mansfield told Lt. Stabile that he had performed poorly on the interview and that he was recommending Mr. Gibson for promotion, thereby bypassing Lt. Stabile. After hearing this, Lt. Stabile left work early, citing medical reasons. (Exh. 33; Testimonies of Chief Mansfield and Lt. Stabile)
28. On January 7, 2015, *Gerald Stabile*, a former Andover Selectman and the brother of the Appellant, sent an email to Town Manager Reginald “Buzz” Stapczynski, who serves as the local Appointing Authority. In this email, Gerald Stabile openly advocated for his brother, who he alleged “studied diligently for the civil service examine [sic] ...and through his diligence scored significantly higher on the test.” Town Manager Stapczynski sent a reply email indicating that that he planned to meet with Chief Mansfield the next day to discuss the promotional appointment process. (Exhs. 18 & 29; Testimony of Town Manager Stapczynski)
29. On January 8, 2015, Town Manager Stapczynski met with Chief Mansfield. During this meeting, Chief Mansfield told the Town Manager his reasons for recommending Mr. Gibson

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<sup>4</sup> G.L. c. 31 § 74 states in relevant part, “No person making an appointment to any civil service position shall receive or consider a recommendation of an applicant for such appointment given by any member of the general court, alderman, or councilman, except as to the character or residence of the applicant.”



for promotion over Lt. Stabile. (Testimony of Chief Mansfield and Town Manager Stapczynski)

30. On January 9, 2015, Gerald Stabile emailed Candice Hall, Director of Human Resources for the Town of Andover, informing her about the bypass of his brother. In his email, Gerald Stabile wrote, “As a former Selectman, I was witness to the Chief’s [Mansfield] arrogance and resistance to management and HR direction in these matters.” (Exh. 24)

31. On January 11, 2012, Lt. Stabile also emailed Candice Hall, asking her for information about the weight of the interview in the civil service process. He copied Daniel Kowalski, Chairman of the Board of Selectmen, on this email. The next day, January 12, 2015, Chairman Kowalski emailed Town Manager Stapczynski asking him for more information on the promotional bypass. (Exh. 19)

32. On January 13, 2015, Chief Mansfield sent the Town Manager an official letter recommending the promotion of Mr. Gibson to the position of Deputy Chief, citing his superior interview performance, his advanced educational achievements, and his receipt of several certifications. (Exh. 11; Testimony of Chief Mansfield and Town Manager)

33. On the evening of January 14, 2015, Lt. Stabile sent the first of many text messages to Dan Kowalski, Chairman of the Town of Board of Selectmen.<sup>5</sup> (Exh. 30)

34. Among the text messages exchanged between Lt. Stabile and Chairman Kowaski are the following:

Lt. Stabile: “Just finally got in touch with Candace Hall. She pretty much said she can’t discuss this with me because it’s a done deal and I will need to appeal this to civil service. It’s not a done deal and it does not need to go to appeal if the powers to be look at what the chief has done on his own. It cost him nothing so what does he have to loose [sic]. He really answers to no one if Buzz is not going to hold him accountable for his actions that

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<sup>5</sup> Although the Town Manager is the local Appointing Authority, the Board of Selectmen is responsible for reviewing and ratifying the Town Manager’s decisions regarding promotional appointments.

cause taxpayers like yourself and he is off of any hook [sic]. He doesn't live in town so no skin off his back. Sorry for the rant dan but this is so off base and the town will lose if it goes to appeal. He hasn't followed any of the civil service guidelines. Look forward to hearing back from you."

Mr. Kowalski: "The appointment is not on the 1/26 agenda. There will only be 3 selectmen present on 1/26 too. I will not let the Dep Chief appointment happen in [sic] 1/26. I want to understand the process as executed."

Lt. Stabile: "Dan #9 states appointment a [sic] and reappointment is that where buzz may try to slide it in?"

Mr. Kowalski: "For some reason they posted an abridged agenda online. I have to ask why. It is not on the agenda I approved."

Lt. Stabile: "OK hopefully he reaches out to you before. Do you think he may try to put it out there and just ask for a vote. Because that wouldn't surprise me. If a citizen shows up and says you published the appointment section can they push it through? And your signature is on the online version."

Lt. Stabile: "Morning Dan, glad to see you pulled your papers to run again. Was not sure you were going to. Hadn't heard anything yet so I was wondering if you had the opportunity to talk to Buzz? If your [sic] busy, I will be around all day if you would rather talk. Thanks Bob."

Mr. Kowalski: "Hi b, I have not talked to buzz yet. I will def sit down with him to understand how the process was executed and then I will determine next steps. Meeting prob won't happen until week of 16 or 23. I am in vaca few days during school vaca. Difficult to hear, but I recommend patience. Need to get on 8:30 Skype call. Ttys." (Exh. 30)

35. On January 20, 2015, Lt. Stabile sent an email to all five members of the Board of Selectmen expressing his concerns about Chief Mansfield's apparent changes to the appointment process, which, he alleged, "violated" civil service procedures. (Exh. 16)

36. On February 1, 2015, Lt. Stabile sent an email to Town Manager Stapczynski to highlight the alleged "disparities between my qualifications and those of the other two candidates." (Exh.

17)

37. On February 4, 2015, the Town Manager sent a memorandum to the Board of Selectmen recommending Mr. Gibson for promotion to the position of Deputy Chief and requesting that the appointment be voted on at the next Board of Selectmen meeting. (Exh. 11)
38. On February 16, 2015, Presidents' Day, Mr. Kowalski met with the Town Manager and Chief Mansfield to discuss the promotional bypass. The budget for the Fire Department was also discussed at this meeting. (Exh. 31; Testimony of Mr. Kowalski and Town Manager Stapczynski)
39. During their February 16<sup>th</sup> meeting, Chairman Kowalski voiced his concern that Chief Mansfield was present during the interviews, stating that he (Chief Mansfield) could potentially influence the panelists with his facial expressions or body language. (Testimony of Mr. Kowalski.)
40. On February 23, 2015, the Board of Selectmen voted 4-0-1 to approve the appointment of Mr. Gibson to the position of Deputy Chief. Chairman Kowalski abstained from voting because of his concerns about the interview process. Going forward, he maintains that the Fire Chief should not be present for promotional interviews. He bases this on his private sector experience. (Exh. 12 and Testimony of Mr. Kowalski)
41. On March 2, 2015, the Town Manager sent Lt. Stabile a letter notifying him that he was being bypassed for appointment as Deputy Fire Chief. (Exh. 13)
42. On March 5, 2015, Gerald Stabile sent the Town Manager an email that criticized him for being "manipulated" by Chief Mansfield. Gerald Stabile wrote in part, "Despite your departure this summer, I had hoped that you would not check out on your duties as Town Manager, but this action indicates that my assumption was premature." (Exh. 25)

*Legal Standard*

The role of the Civil Service Commission is to determine "whether the Appointing Authority has sustained its burden of proving that there was reasonable justification for the action taken by the appointing authority." Cambridge v. Civil Service Comm'n, 43 Mass.App.Ct. 300, 304 (1997). Reasonable justification means the Appointing Authority's actions were based upon adequate reasons supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law. Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex, 262 Mass. 477, 482 (1928); Commissioners of Civil Service v. Municipal Ct. of the City of Boston, 359 Mass. 214 (1971). G.L. c. 31, § 2(b) requires that bypass cases be determined by a preponderance of the evidence. A "preponderance of the evidence test requires the Commission to determine whether, on a basis of the evidence before it, the Appointing Authority has established that the reasons assigned for the bypass of an Appellant were more probably than not sound and sufficient." Mayor of Revere v. Civil Service Comm'n, 31 Mass.App.Ct. 315 (1991); G.L. c. 31, § 43.

Appointing Authorities are rightfully granted wide discretion when choosing individuals from a certified list of eligible candidates on a civil service list. The issue for the Commission is "not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision." Watertown v. Arria, 16 Mass.App.Ct. 331, 332 (1983); See Commissioners of Civil Service v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975); Leominster v. Stratton, 58 Mass.App.Ct. 726, 727-28 (2003). However, personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied

public policy represent appropriate occasions for the Civil Service Commission to act.

Cambridge, 43 Mass.App.Ct. at 304.

### *Analysis*

The Town, by a preponderance of the evidence, has shown that it had reasonable justification to bypass Lt. Stabile for promotional appointment to the position of Deputy Fire Chief. The Appellant was ranked first among those candidates who passed the civil service examination. The second-ranked candidate, Mr. Gibson, scored 80 points on the examination. Even if the Town had been aware of the raw scores, which I conclude it wasn't, that seven (7)-point differential is not significant. See Murphy v. Cambridge & Mass. Civ. Serv. Comm'n., No. 03-0815, Middlesex Super. Court (2004)(holding that City was not required to give any special weight to the eight-point score differential on the civil service exam for two candidates competing for the position of Fire Chief); Boardman v. Beverly Fire Dep't, 11 MCSR 179 (1998)(finding that bypassing a candidate with a nine point advantage on the civil service exam did not violate civil service law). Here, Fire Chief Mansfield was aware of the rankings of each of the candidates, but also wanted to consider additional factors, namely each candidate's performance during an interview panel. Therefore, the score differential, regardless of its weight, was not ignored, but rather considered as one factor in determining which candidate to promote. The authority to interview candidates is inherent in G.L. c. 31, § 25. See Flynn v. Civ. Serv. Comm'n., 15 Mass.App.Ct. 206, 208 (1983).

The interview panel consisted of five (5) experienced Fire Chiefs from surrounding communities, three (3) of whom testified before the Commission. Those three (3) panelists each

offered credible testimony indicating that their recommendations were based solely on their own personal observations of each candidate during the interview performance. I credit their testimony that Chief Mansfield never discussed any preference for any candidate – and none of them suggested that they were influenced by Chief Mansfield’s “facial expressions” or body language. Beyond relying on their notes, each of the three (3) interview panelists who testified before the Commission offered detailed reasons for why they ranked Lt. Stabile over Mr. Gibson, all of which were directly related to the duties and responsibilities of a Deputy Fire Chief. More generally, each of them independently concluded that Lt. Stabile did not have the requisite understanding of the command duties of a Deputy Chief and, furthermore, could not articulate the reasons he wanted to hold the position. Although subjectivity is inherent when conducting interviews, there is no evidence there was undue subjectivity on the part of the panelists. The inherent subjectivity of an interview does not delegitimize the overall process. See Reading v. Civ. Serv. Comm’n, 78 Mass.App.Ct. 1106 (2010); Anthony v. Springfield, 23 MCSR 201, 207 (2010).

The Town proffered other reasons for selecting Mr. Gibson over Lt. Stabile, especially the fact that Mr. Gibson holds a Bachelors degree, while Lt. Stabile still only has an Associates degree. In his testimony, Lt. Stabile provided a credible explanation for why there is a gap in his education. Furthermore, Lt. Stabile has attended dozens of trainings and obtained numerous certifications that discredit any accusations that he is unqualified or insufficiently educated. That notwithstanding, Lt. Stabile also testified that he did not provide the interview panel with the reasons he delayed obtaining his bachelor’s degree and, as part of the review process, he failed to include many of the certifications on his resume, relying on the fact that some were included in the portfolio that was available to the interview panelists. Therefore, despite his educational

qualifications, it was reasonable for the interview panel to conclude that Mr. Gibson had been more proactive and accomplished in advancing his education than Lt. Stabile. Likewise, standing alone, Mr. Gibson's educational achievements make him a highly qualified candidate.

Finally, the core mission of the Civil Service Commission is to ensure that hiring and promotional decisions in the public sector are made based on merit, free of personal or political considerations. The only allegation of bias, raised belatedly in Lt. Stabile's testimony, was the suggestion that Chief Mansfield was determined to show that he could make promotional appointments outside the strict rank order on the civil service Certification. As referenced above, there is no evidence that any of the five (5) interview panelists were influenced by Chief Mansfield nor is there any evidence that Chief Mansfield was predisposed to promote someone other than the candidate ranked highest on the Certification.

In fact, the evidence actually shows that *Lt. Stabile* orchestrated a fairly unprecedented campaign to inappropriately influence the decision-making process here, beginning with his solicitation of a local legislator to write a letter regarding his experience and qualifications. Far more egregious, however, was Lt. Stabile's behind-the-scenes lobbying of the Chairman of the Board of Selectmen, which was never disclosed to the full Board. Further, Lt. Stabile was aware that his brother, a former Andover Selectman, was also pressuring Town officials to promote Lt. Stabile. *All* candidates, including now-Deputy Chief Gibson, deserve a promotional process that is fair and impartial. Here, the Town Manager and the Fire Chief appropriately rebuffed the efforts of Lt. Stabile and his brother to tip the scales in Lt. Stabile's favor through the use of political pressure - and personal insults.

## *Conclusion*

Lt. Stabile's appeal under Docket Number G2-15-73 is hereby *denied*.

Civil Service Commission

/s/ Christopher C. Bowman

Christopher C. Bowman

Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell & Stein, Commissioners) on August 20, 2015.

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:

William D. Cox, Jr., Esq. (for Appellant)

Joshua R. Coleman, Esq. (for Respondent)