

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street, Suite 200

Boston, MA 02114

(617) 979-1900

ALBERT S. STAMP,

*Appellant*

v.

TOWN OF DRACUT,

*Respondent*

Docket number:

G2-24-182

Appearance for Appellant:

Albert S. Stamp, *Pro Se*

Appearance for Respondent:

Kier Wachterhauser, Esq.

Walter Zhang, Esq.

50 Braintree Hill Office Park, #410

Braintree, MA 02184

Commissioner:

Shawn C. Dooley<sup>1</sup>

**SUMMARY OF DECISION**

The Commission upheld the Town of Dracut's decision to bypass a Fire Captain for the position of Fire Chief based on the selected candidate's superior qualifications and interview performance.

**DECISION**

On December 12, 2024, the Appellant, Albert Stamp (Appellant), filed a timely appeal with the Civil Service Commission (Commission) pursuant to G.L. c. 31, § 2(b) challenging the decision of the Town of Dracut (Town) to bypass the Appellant for appointment as Fire Chief in the Dracut Fire Department. The Commission held a remote pre-hearing conference on January

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<sup>1</sup> The Commission acknowledges the assistance of Law Clerk Jason Walker in the drafting of this decision.

7, 2025. On March 18, 2025, I conducted an in-person full hearing. The hearing was recorded via the Webex videoconferencing platform, and copies were provided to the parties.<sup>2</sup> Both parties filed proposed decisions. For the reasons set forth below, Mr. Stamp's appeal is *denied*.

## **FINDINGS OF FACT**

The Appellant entered into evidence 25 exhibits (App. Ex. 1-25) and the Respondent entered into evidence six exhibits (Resp. Ex. 1-6). Based upon the documents entered into evidence and the testimony of the following witnesses:

### *Called by the Town:*

- Ann Vandal, (Former) Dracut Town Manager
- Sabrina Vozzella, (Current) Dracut HR Generalist
- James Midgley, (Retired) Pelham, NH Fire Chief
- Greg Hanley, (Former) Interim Dracut Town Manager

### *Called by the Appellant:*

- Albert S. Stamp, Appellant

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

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<sup>2</sup> A link to the audio/video recording was provided to the parties. If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion. If such an appeal is filed, the recording provided to the parties should be used to transcribe the hearing.

### *Background Facts*

1. The Dracut Fire Department (DFD) is a full-time, professional fire department consisting of approximately 45 sworn officers – including a Chief, two Deputy Chiefs, Captains, Lieutenants, and Firefighters. *(Testimony of Vandal)*
2. Ann Vandal (TM Vandal) served as the Dracut Town Manager from 2019 to August 2024, and in that capacity was the Appointing Authority for the Dracut Fire Chief position. She served the Town of Dracut in different positions for a total of 21 years. *(Testimony of Vandal)*
3. Sabrina Vozzella has been the Dracut HR Generalist, the senior HR staffer for the Town, for three years. Ms. Vozzella has worked for the Town for approximately nine years in different roles. *(Testimony of Vozzella)*
4. James Midgley (Chief Midgley), now retired, was the Fire Chief of Pelham, NH for 15 years and had 23 years of professional firefighter experience. Chief Midgley lives in Dracut. Chief Midgley has also held the positions of president of The Border Area Mutual Aid Association and instructor at the New Hampshire Fire Standard of Training and Emergency Medical Services. *(Testimony of Midgley)*
5. Gregory Hanley (TM Hanley) currently serves as Plymouth County Commissioner. He was the interim Dracut Town Manager from August 1, 2024, through November 1, 2024. He was the appointing authority for the Dracut Fire Chief position during that period. *(Testimony of Hanley)*
6. The Appellant has worked in the Dracut Fire Department since 2008. He climbed the ranks from Firefighter, and he was promoted to Captain in 2021. He is also separately employed as the Senior Buyer for a technology company. *(Resp. Ex. 4)*

### *Fire Chief Hiring Process & Assessment*

7. In January 2024, then Dracut Fire Chief Richard Patterson (Chief Patterson) indicated his intent to retire. Around March of 2024, the Town started the process of promoting a new Fire Chief. *(Testimony of Vandal)*
8. Consistent with previous high-level appointments, including the appointment of Chief Patterson in 2021, the Town opted to use a combination of an assessment center examination and in-person interview for the promotional process. TM Vandal, as the appointing authority, would make the appointment, which would be subject to ratification by the Board of Selectmen. *(Testimony of Vandal)*
9. Chief Patterson worked with the state's Human Resources Division (HRD) and commissioned the assessment center at the direction of Town officials. He hired Parow Consulting & Associates to perform the assessment. The assessment final score was weighted 80% from the examination and 20% from the candidates' experience, certification, training, & education (ECT&E). *(App. Ex. 14 & 16)*
10. On March 21, 2024, Parow Associates conducted the assessment. The Appellant took the assessment along with four others, including a Deputy Fire Chief (DFC) and another Fire Captain (FC2). *(Resp. Ex. 2)*
11. On April 25, 2024, the candidates received their individual scores. The eligible list was published on June 1, 2024. The Appellant and DFC were tied for first, FC2 ranked third, and the other candidates ranked fourth and fifth. *(Testimony of Stamp; App.Exs.2 & 4)*
12. Ms. Vozzella emailed the candidates on June 13, 2024, to schedule the Fire Chief candidate interviews for July 9, 2024. *(App. Ex. 3)*
13. Of the five candidates, only the Appellant, DFC, and FC2 chose to sit for the interviews. *(App. Ex. 3; Testimony of Vandal)*

14. The interview panelists (TM Vandal, Ms. Vozzella, and Chief Midgley) and both appointing authorities (TM Vandal and TM Hanley) falsely believed that the Appellant ranked second, not tied for first, on the civil service eligible list. (*Testimony of Vandal & Hanley*)

*Fire Chief Interview*

15. The interview panel consisted of TM Vandal, as the appointing authority; Chief Midgley, as a professional firefighter; and Ms. Vozzella, as the Town's senior HR staff member. (*Testimony of Vozzella & Vandal*)
16. The interviews were not audio or video recorded. (*Testimony of Vandal & Stamp*)
17. The Appellant brought a resume that included his work experience and education. (*Resp. Ex. 4*)
18. FC2 brought a resume that included his work experience, education, and fire certifications. He also brought a written five and ten-year plan for the department that he submitted to the panel with his resume. (*Resp. Ex. 4*)
19. The interviews were held back-to-back, and each lasted 30-45 minutes, depending on the length of the candidate's responses. (*Testimony of Vandal, Vozzella, & Midgley*)
20. Interviewers asked the same questions to each candidate. Each interviewer was assigned the same specific questions to ask each candidate. The questions and candidates were not scored using a numerical system. Instead, each interviewer took qualitative notes. After the interviews were completed, the interviewers discussed the candidates together and came up with a ranking of the three candidates. (*Resp. Ex. 6; Testimony of Vandal, Vozzella, & Midgley*)
21. Due to budget issues facing the town, the interviewers focused on the candidates' understanding of the budget. (*Resp. Ex. 6; Testimony of Vandal & Vozzella*)

22. The interviewers collectively ranked the candidates in the following order: DFC – First; FC2 – Second; and the Appellant - Third. DFC was ranked first because of his experience, strong interview performance, and because he was the only Deputy Fire Chief among the applicants. *(Testimony of Vandal, Vozzella, & Midgley)*
23. FC2 was ranked second because of his strong interview performance, understanding of the budget, certifications, and his clear vision for the department (including the written plan that he brought to the interview). *(Testimony of Vandal, Vozzella, & Midgley)*
24. The Appellant was ranked last because of his poor interview performance, shallow understanding of the budget, lack of clear vision for the department, and the absence of any certifications on his resume. *(Testimony of Vandal, Vozzella, & Midgley)*
25. The interviewers did not use the assessment center’s rankings as a significant factor in ranking the candidates. *(Testimony of Vandal, Vozzella, Midgley, & Stamp)*

#### *Appointment and Withdrawal of DFC*

26. After the interview, in July 2024, TM Vandal held individual meetings with each of the three candidates and officially notified them of her decision to appoint DFC as the next Fire Chief. Nobody, including the Appellant, raised any concerns about the promotional process at this point. *(Testimony of Vandal)*
27. DFC accepted the appointment and was scheduled to assume the responsibilities of Fire Chief on October 31, 2024. *(Testimony of Vandal)*
28. On August 1, 2024, the Dracut Board of Selectmen ratified the recommendation of TM Vandal to appoint DFC as Fire Chief. *(Testimony of Vandal)*

*Appointment of FC2*

29. TM Vandal retired on August 9, 2024. *(Testimony of Vandal)*

30. On August 1, 2024, the Town hired Mr. Hanley to assume the role of Interim Town Manager.

His contract ran from August 1, 2024, until November 1, 2024. During his tenure he expected his contract to be renewed, but it was not. *(Testimony of Hanley)*

31. On September 20, 2024, DFC withdrew from the Fire Chief appointment for personal reasons. He is still employed as a Deputy Fire Chief. *(Testimony of Vozzella & Hanley)*

32. As appointing authority for the Town, TM Hanley was responsible for appointing the next Fire Chief replacement after DFC. *(Testimony of Hanley)*

33. TM Hanley intended to appoint the next Fire Chief before outgoing Chief Patterson officially retired on October 31, 2024. *(Testimony of Hanley)*

34. TM Hanley had no previous knowledge of or interactions with the two remaining candidates, FC2 and the Appellant. *(Testimony of Hanley)*

35. From September 24, 2024, to September 28, 2024, TM Hanley was travelling internationally. He returned to the office on Monday, September 30, 2024. *(Testimony of Hanley)*

36. On October 1, 2024, TM Hanley briefly met with both FC2 and the Appellant. He found it important to meet them before making the appointment decision, because he had never met either of them before. *(Testimony of Hanley)*

37. TM Hanley met with FC2 first. After a brief introduction, FC2 voluntarily told TM Hanley that Chief Patterson had called him and asked if he was still interested in becoming the Fire Chief. FC2 further told TM Hanley that he had called the Appellant after hanging up with Chief Patterson and told him about the call, because he (FC2) felt “funny” that the outgoing Chief had called him. FC2 also relayed to TM Hanley that he (FC2) and the Appellant had

an informal understanding that the “best man” would win and they would “support each other” in the process. *(Testimony of Hanley)*

38. Immediately after meeting with FC2, TM Hanley met with the Appellant. The Appellant expressed two concerns to TM Hanley: (1) that Chief Patterson had called FC2 to discuss the open Fire Chief position, and (2) that there were only two civilians in the interview panel without any professional firefighters.<sup>3</sup> *(Testimony of Hanley)*

39. TM Hanley told the Appellant that those would be serious issues and that he would investigate the hiring process before making an appointment. *(Testimony of Hanley & Stamp)*

40. TM Hanley contacted Ms. Vozzella to learn about the interview process. During their conversation, TM Hanley learned that Chief Midgley was a part of the interview panel. *(Testimony of Hanley)*

41. TM Hanley also requested from Ms. Vozzella the “whole file” of the Fire Chief promotion process, including the civil service list, for review. *(Testimony of Hanley)*

42. Afterwards, TM Hanley called TM Vandal, Ms. Vozzella, and Chief Midgley individually to understand the interview process and the panel’s consensus on the candidates. *(Testimony of Hanley)*

43. TM Hanley concluded that the interview process had been fair and that there was no evidence of political or personal bias in the panel’s rankings. *(Testimony of Hanley)*

44. After reviewing the Town’s file on the interview process and speaking with each interviewer about the candidates, TM Hanley selected FC2 as the next Fire Chief. *(Testimony of Hanley)*

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<sup>3</sup> This statement is incorrect, because Chief Midgley was also on the panel. From testimony, it seems that the Appellant meant to express to TM Hanley that the presence of two civilians, *notwithstanding the presence of Chief Midgley*, was inappropriate for a panel interviewing for the Fire Chief position. Regardless, TM Hanley interpreted the Appellant’s concern at this meeting as being that there were *only* two civilians in the interview panel.



45. TM Hanley sent the Appellant a bypass letter, dated October 4, 2024, explaining the justification for the bypass. (*Testimony of Hanley; Resp. Ex. 1*)
46. In the letter, TM Hanley explained that he had investigated the hiring process and determined that it was indeed fair, open, and honest. (*Resp. Ex. 1*)
47. TM Hanley summarized the factors counting against the Appellant:
- a. the Appellant's interview performance was considered sub-par,
  - b. his answers were repetitive and some questions were not fully answered,
  - c. his vision of the department lacked substance and needed improvement,
  - d. his experience in the role of Captain, and
  - e. his minimal Pro-Board certifications. (*Resp. Ex. 1*)
48. TM Hanley also summarized the factors in favor of FC2:
- a. FC2 had an above average interview performance, including clear and concise answers,
  - b. he demonstrated a vision for the department,
  - c. he had multiple certificates, including highly valued Pro-Board certifications, and
  - d. he demonstrated fire command abilities in his work for the town and as a Senior Instructor at the Massachusetts Firefighting Academy. (*Resp. Ex. 1*)

## LEGAL STANDARD

The core mission of Massachusetts civil service law is to enforce "basic merit principles" for "recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills" and "assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions." G.L. c. 31, § 1. See, e.g., *Massachusetts Ass'n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259 (2001); *MacHenry v. Civil Serv. Comm'n*, 40 Mass. App. Ct. 632, 635 (1995), *rev. den.*, 423 Mass. 1106 (1996).

An appointing authority must provide specific, written reasons – positive or negative, or both – consistent with basic merit principles – for bypassing a higher ranked candidate in favor of a lower ranked one on the eligible list. G. L. c. 31, § 27; PAR.08(4). A person may appeal a

bypass decision under G.L. c. 31, § 2(b) for de novo review by the Commission. The Commission's role is to determine whether the appointing authority has shown, by a preponderance of the evidence, "reasonable justification" for the bypass after an "impartial and reasonably thorough review" of the relevant background and qualifications bearing on the candidate's present fitness to perform the duties of the position. *Boston Police Dep't v. Civil Service Comm'n*, 483 Mass. 461, 474-78 (2019); *Police Dep't of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012); *Beverly v. Civil Service Comm'n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

"Reasonable justification . . . means 'done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law.' " *Brckett v. Civil Service Comm'n*, 447 Mass. 233, 243 (2006); *Commissioners of Civil Service v. Municipal Ct.*, 359 Mass. 211, 214 (1971) and cases cited. See also *Mayor of Revere v. Civil Service Comm'n*, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons "more probably than not sound and sufficient" and upon "failure of proof by the [appointing authority], the commission has the power to reverse the [bypass] decision.")

The governing statute, G.L. c. 31, § 2(b), gives the Commission "broad scope to evaluate the legal basis of the appointing authority's action" and it is not necessary that the Commission find that the appointing authority acted "arbitrarily and capriciously." *City of Cambridge v. Civil Service Comm'n*, 43 Mass. App. Ct. 300, 303-305, *rev. den.*, 428 Mass. 1102 (1997). The Commission ". . . cannot substitute its judgment about a valid exercise of discretion based on merit or policy considerations by an appointing authority" but, when there are "overtones of political control or objectives unrelated to merit standards or neutrally applied public policy, then the occasion is appropriate for intervention by the commission." *Id.* (emphasis added) See also

*Town of Brookline v. Alston*, 487 Mass. 278 (2021) (analyzing broad scope of the Commission's jurisdiction to enforce basic merit principles under civil service law).

## ANALYSIS

While the interview process was not recorded,<sup>4</sup> the Town was able to show, by a preponderance of the evidence, that FC2's superior interview performance, during which he was able to articulate a clear vision for the Department, provided the Town with reasonable justification to bypass the Appellant for promotion to the position of Fire Chief. Further, the evidence does not show that the decision was influenced by any personal or political bias against the Appellant. The interview component of the hiring process was always a component of the decision-making process of selecting the next Fire Chief. This was established at the outset of the hiring process—as opposed to the situation in *Allender v. City of Amesbury*, 37 MCSR 247 (2024), where the decision to conduct an interview was instituted after the final list was established. Further, there is nothing to show that the Appellant was unaware of or objected to this aspect of the overall selection process.

The crux of the matter here is that all of the interviewers rated FC2 significantly higher than the Appellant, whom they classified as providing a sub-par interview. While the interviews were not recorded, the assessments remained consistent and were verified by Acting Town Manager Hanley. Further, his personal assessment that issues brought up by the Appellant regarding the composition of the interview panel were disingenuous added to his determination that the Appellant should be bypassed and served to confirm the final ranking of the interview panel.

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<sup>4</sup> The Commission repeats here its longstanding directive to Appointing Authorities to record promotional interviews.

“In those cases, as here, where there is no evidence of any personal or political bias, the Commission owes substantial deference to the City's exercise of judgment in bypassing a candidate for promotion, and this extends to the weight given to, and evaluation of, a candidate's interview performance. A candidate's poor performance during the interview process, especially to a senior level position in the department's command staff, is a relevant factor an appointing authority can use to judge an applicant.” *Sean Sheehan v. City of Somerville*, 33 MCSR 364, (2020). The Commission’s *Sheehan* decision relied upon *Frost v. Town of Amesbury*, 7 MCSR 137 (1994) (Commission upholds bypass where applicant's answers to situational questions were unsatisfactory); *LaRoche v. Department of Correction*, 13 MCSR 159 (2000) (Commission upholds bypass where applicant's answers to situational scenarios did not comply with department policies and procedures and failed to demonstrate an ability to lead); *McMahon v. Town of Brookline*, 20 MCSR 24 (2007) (poor interview performance can stand alone as the sole basis for bypass where there is no evidence of any inappropriate motivations on the part of the Appointing Authority).

While an ideal hiring scenario might reflect no aspect of personal opinion or subjectivity, I believe that when selecting a department head, such as the Chief of a municipal Fire Department, a more comprehensive approach is warranted. The selected person will be working collaboratively with the Town Manager and other Department heads – and thus planning, organizational, and communication skills hold a higher degree of relevance than for lower-ranked positions that are solely internally / departmentally focused. Some degree of subjectivity is inherent (and permissible) in any interview procedure, but care must be taken to preserve a "level playing field" and "protect candidates from arbitrary action and undue subjectivity on the part of the interviewers", which is the lynchpin to the basic merit principle of civil service law.

*E.g., Flynn v. Civil Service Comm'n*, 15 Mass. App. Ct. 206, 208, rev. den., 388 Mass. 1105 (1983). I did not find any inappropriate bias or subjectivity and the process in place did ensure a level playing field.

In this case both of the Town Managers serving during this process, Vandal and Hanley, testified that they were aware of the Assessment Center ranking and made the appointment based on both Assessment Center results and the interview performance, which is also referenced in the Bypass Letter. No evidence is presented that would suggest the interview was used to nullify the assessment center results in order to appoint FC2. In fact, despite FC2 being considered to have given overall superior responses during the interview portion, the Deputy Fire Chief was initially offered the appointment of Chief. This initial appointment was not objected to by the Appellant.

Further, FC2 was well qualified for the position of Chief. He had been a Captain with the Department for five and a half years longer than the Appellant and presented to the panel a much more comprehensive resume and credential packet highlighting his experience and education (including Fire Officer I and II) than the Appellant (who submitted a more basic resume). In addition, FC2 has served as an instructor at the Massachusetts Fire Academy for the past 5 years. And while not asked for or required by the panel, FC2 presented a five- and ten-year plan for the Department, showing initiative and highlighting his understanding that the Chief's position is much more comprehensive than merely being the highest-ranking fire officer.

In summary, I find there to be no instances of political or personal bias; that the selection process was fair, upholding the standards of basic merit principles; and the Town had reasonable justification for bypassing the Appellant.

## CONCLUSION

For all the above-stated reasons, the appeal of Albert Stamp, filed under docket number G2-24-182, is hereby *denied*.

Civil Service Commission

/s/ Shawn C. Dooley  
Shawn C. Dooley  
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney, & Stein, Commissioners) on September 4, 2025.

Either party may file a motion for reconsideration within ten days of 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:

Albert Stamp (Appellant)  
Kier Wachterhauser, Esq. (for Respondent)  
Walter Zhang, Esq. (for Respondent)