

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

MATTHEW STARR,
Appellant

v.

Case No.: G1-12-219

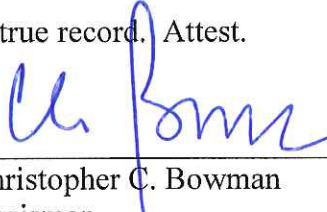
**DEPARTMENT OF
CORRECTION,**
Respondent

DECISION

The Civil Service Commission (Commission) voted at an executive session on May 2, 2013 to acknowledge receipt of the Recommended Decision of the Administrative Law Magistrate dated March 4, 2013, the Appellant's objections to the recommended decision; and Respondent's opposition to the Appellant's objections. After careful review and consideration of all of these documents and the record, the Commission voted 4-1 to adopt the findings of fact and the Recommended Decision of the Magistrate therein. A copy of the Magistrate's Recommended Decision is enclosed herewith. The Appellant's appeal is hereby *dismissed*.

By a 4-1 vote of the Civil Service Commission (Bowman, Chairman - Yes; Ittleman, Commissioner - Yes; Marquis, Commissioner - Yes; McDowell, Commissioner - No; and Stein, Commissioner - Yes) on May 2, 2013.

A true record. Attest.



Christopher C. Bowman
Chairman

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.

Notice to:
Thomas E. Giblin, Esq. (for Appellant)
Kerry Rice (for Respondent)
Richard C. Heidlage, Esq. (Chief Administrative Magistrate, DALA)

CONCURRING OPINION OF PAUL STEIN

I concur with the decision to dismiss this appeal, but only on one narrow ground. I agree that in Department of Correction (DOC), as a para-military organization, the highest level of respect for the chain of command is essential to the proper order and discipline required of its officers who are entrusted with the care and custody of the population of criminal offenders incarcerated in the correctional facilities of the Commonwealth. The preponderance of the evidence established to my satisfaction that the Appellant's confrontation with his supervisor over his tardy behavior while employed as a dispatcher at Framingham State University (FSU), which eventually lead to his resignation, was sufficient proof of a negative employment history that supports (although not necessarily required) his non-selection for that reason.

I find, however, that the DOC's other reasons for justifying this bypass are seriously flawed. First, the alleged misconduct in bringing his firearm to FSU in supposed violation of school policy was not supported by any documentation of such a policy or testimony from any percipient witness. The undisputed evidence proved that the Appellant has received permission from his supervisor to bring his weapon (for which he held a valid license to carry) to work and store it in a locked drawer.¹ The Appellant had done so on the day in question, and had the weapon on his person only because he had retrieved the weapon in anticipation of departing the premises.

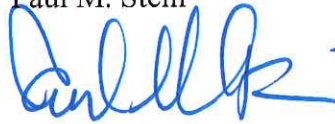
Second, I find the Appellant's purported misstatements in his DOC employment application do not amount to reasonable justification for bypassing him. The DOC's letter to the Appellant did not state such reasons as the basis for the bypass (and neither did the DOC's prehearing memorandum), and, therefore, are not properly admissible before this Commission

¹ The Magistrate's recommended decision suggests that this conduct also "implicated state law", citing G.L.c.269, §10(j), which prohibits a person, other than a "law enforcement officer" from carrying a weapon on school property without written permission. Evidentially, efforts to assert that the Appellant had violated this law were dismissed at the probable cause stage and never prosecuted. I also note that the statute in question

as justification for the decision. See G.L.c.31, §27 (requiring statement of reasons for bypass to be submitted to and approved by the Personnel Administrator [HRD]); HRD Personal Administration Rules, PAR.08(3) (“No reasons that are known or reasonably discoverable by the appointing authority, and which have not been disclosed to the Personnel Administrator, shall be admissible as reasons for selection or bypass in any proceedings before [HRD] or the Civil Service Commission.”) While the Commission chosed to overlook the DOC’s persistence in providing a painfully barebones “Check the Box” form of statement of the reasons for bypassing candidates, the Commission cannot waive the clear statutory and regulatory requirement that compels some prior disclosure of the reasons relied upon.

In sum, but for the evidence of the Appellant’s insubordinate conduct while employed at FSU, I would have allowed this appeal. I also urge DOC to take care in the future to provide prompt and adequate disclosure to a candidate of sufficient facts relied upon by DOC for bypassing him or her.

Paul M. Stein



Commissioner



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

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March 4, 2013

Christopher C. Bowman, Chairman
Civil Service Commission
One Ashburton Place, Room 503
Boston, MA 02108

Re: Matthew Starr v. Department of Correction
DALA Docket No. CS-12-615
CSC Docket No. G1-12-219

Dear Chairman Bowman:

Enclosed please find the Recommended Decision that is being issued today. The parties are advised that, pursuant to 801 CMR 1.01(11)(c)(1), they have thirty days to file written objections to the decision with the Civil Service Commission. The written objections may be accompanied by supporting briefs.

Sincerely,


Richard C. Heidlage
Chief Administrative Magistrate

RCH/mbf

Enclosure

cc: Thomas E. Giblin, Esq.
Kerry Rice

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CIVIL SERVICE COMMISSION

COMMONWEALTH OF MASSACHUSETTS

Division of Administrative Law Appeals
1 Congress Street, 11th Floor
Boston, MA 02114
www.mass.gov/dala

Matthew Starr,
Appellant

v.

Docket No. G1-12-219
DALA Docket No. CS-12-615

Department of Correction,
Appointing Authority

Appearance for Appellant:

Thomas E. Giblin, Esq.
266 Main Street, Suite 26
Medfield, MA 02052

Appearance for Appointing Authority:

Kerry A. Rice
Department of Correction
P.O. Box 946
Industries Drive
Norfolk, MA 02056

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF RECOMMENDED DECISION

Based on the Appellant's incomplete application form and negative employment history, the Appointing Authority was reasonably justified in bypassing him for a correction officer position. I therefore recommend that the Civil Service Commission dismiss the appeal.

RECOMMENDED DECISION

The appellant, Matthew Starr, appeals the Department of Correction's bypassing him for a correction officer position. I held a hearing on November 5, 2012, which I recorded digitally.

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CIVIL SERVICE COMMISSION

Mr. Starr was represented by Attorney Giblin. Mr. Starr testified and called no other witness. The Department of Correction (DOC) was represented by Kerry A. Rice, who called one witness, James O'Gara, a personnel officer with DOC.

I have accepted into evidence 12 exhibits. Both parties submitted post-hearing briefs.

Findings of Fact

1. On March 20, 2010, Mr. Starr took and passed a civil service examination for the position of Correction Officer I. He scored 75% and received a veteran's preference.

(Stipulation.)

2. On July 14, 2010, an eligible list of candidates for Correction Officer I was established. (Stipulation.)

3. Mr. Starr ranked 11 among the candidates willing to accept employment. Of 63 candidates selected for appointment, 61 ranked below him. (Stipulation.)

4. From sometime in 2008 through July 2010, Mr. Starr worked at the police department of what is now Framingham State University (FSU). (Starr testimony.)

5. From July 31, 2010 to October 2, 2011, Mr. Starr was on active military duty, which included service in Afghanistan. (Starr testimony.)

6. In November 2011, Mr. Starr returned to the FSU police department, where he was a dispatcher. (Starr testimony.)

7. Mr. Starr was also an auxiliary police officer in Medfield in 2011. (Starr testimony.)

8. Mr. Starr was scheduled to work at FSU on the 11:00 p.m. to 7:00 a.m. shift ending on November 1, 2011. (Starr testimony.)

9. After his shift, he planned to go to firing practice related to his service as an auxiliary police officer. He wanted his firearm and ammunition with him on his FSU shift, but did not

want to keep them in his vehicle while working at FSU. Mr. Starr brought his firearm into the police department building during his shift. (Starr testimony.)

10. Similarly, Mr. Starr was scheduled to work at FSU on the 11:00 p.m. to 7:00 a.m. shift ending on November 9, 2011; wanted to go to firing practice when his shift ended; and brought his firearm into the police department building during his shift. (Starr testimony.)

11. Around 4:00 a.m. on November 9, 2011, Mr. Starr's supervisor, Sergeant William Kelley of the FSU police department, conducted a routine hourly status check of the police personnel on duty. A status check entailed contacting each of the police personnel and hearing back from them. (Starr testimony.)

12. The purposes of a status check include confirming that police personnel are well, awake, on duty, on campus, and capable of being contacted. (Starr testimony.)

13. Mr. Starr responded to the status check late. When Mr. Starr responded, Sergeant Kelley said that he was glad that Mr. Starr was not dead. Mr. Starr asked if he wanted Sergeant Kelley to send the meat wagon, referring to a vehicle to transport a corpse to a morgue. Sergeant Kelley told Mr. Starr to stop the conversation. (Starr testimony; Ex. 5.)

14. At around 5:00 a.m., Sergeant Kelley returned to the police department. He was angry with Mr. Starr. Mr. Starr told him that he did not like Sergeant Kelley's comments during the status check. (Starr testimony.)

15. Around this time, or earlier in the morning, Sergeant Kelley noticed a large bulge under Mr. Starr's sweater, and below it, a black leather item that he believed was a gun holster. (Ex. 12.)

16. For Mr. Starr to carry the firearm on campus implicated state law and FSU policy. (G.L. c. 269, c. 10(j); Ex. 12; Starr testimony.)

17. Sergeant Kelley asked Mr. Starr if he were carrying a sidearm; Mr. Starr answered yes; and Sergeant Kelley had Mr. Starr turn over the firearm to Officer Robert Cormier of the FSU police department. (Ex. 12; Starr testimony.)

18. Sergeant Kelley sent Mr. Starr home around 5:00 a.m., two hours early, as discipline (Starr testimony), for answering the status call late, carrying a firearm, or both.

19. Sergeant Kelley had disciplined Mr. Starr by sending him home early once before in November 2011. (Starr testimony.)

20. On November 14, 2011, the FSU police department interviewed Mr. Starr about the firearm. With his permission, the interview was recorded. (Starr testimony; Ex. 12.)

21. Mr. Starr has been unable to get a recording of the November 14, 2012 interview. (Starr testimony.)

22. Mr. Starr resigned on November 19, 2011 because of the events on November 9, 2011. (Ex. 5; Starr testimony.)

23. On December 21, 2011, John Santoro, the Deputy Chief of Police at FSU, wrote a report about the November 9, 2012 incident and the November 14, 2012 interview. (Ex. 12.)

24. The December 21, 2011 report (Ex. 12) is largely accurate. (Starr testimony.)

25. The December 21, 2011 report was submitted to Framingham District Court. (Ex. 12.) As a result, on January 20, 2012, a magistrate's hearing on the matter was scheduled for Framingham District Court on February 28, 2012. (Ex. 11.)

26. Mr. Starr was ultimately not charged criminally. (Starr testimony; Ex. 5.)

27. On February 26, 2012, Mr. Starr applied for the position of Correction Officer I. (Ex. 6.)

28. In his employment history, Mr. Starr listed FSU, but left "Dates Employed" blank. As "Reason for Leaving," Mr. Starr listed "Called to Active Duty." (Ex. 6.)

29. In his employment history, Mr. Starr did not distinguish between working at FSU from 2008 through July 2010 on one hand, and from October through November 2011 on the other hand. He listed his reason for leaving FSU in July 2010, but not his reason for leaving in November 2011 three months before filling out his employment history. (Ex. 6.)

30. In his Employment History Addendum, Mr. Starr checked the box indicating: "I have never been formally disciplined by an employer." (Ex. 6.) Although this statement was untrue (FSU had disciplined Mr. Starr by sending him home early twice), DOC did not cite it as a reason for its bypass. (O'Gara testimony.)

31. As part of his application, Mr. Starr signed a statement, which was in large capital letters, "certify[ing] that all of these statements made by me on the application are true and complete to the best of my knowledge." (Ex. 6 (capitals reduced to lower case).)

32. In addition to the statement described in the paragraph above, Mr. Starr signed a release and certification, stating in part:

I certify under the pains and penalties of perjury that all statements made by me on this application are true and complete to the best of my knowledge and that I have withheld nothing, which, if disclosed, would affect this application unfavorably.

(Ex. 6.)

33. On or after March 6, 2012, Karyn Rautenberg, an investigator for DOC, interviewed personnel at the FSU police department and learned about at least some of the events on November 9, 2011: On or after that date, she interviewed Mr. Starr about the events of November 9, 2011. (Ex. 5.)

34. Ms. Rautenberg wrote an investigation report. The following is a relevant excerpt:

[Mr. Starr] admitted there was an incident that transpired that was recently resolved. According to Starr, he and Sgt. William Kelley had a verbal disagreement regarding status checks. Matthew was supposed to complete a status check every hour on the hour and was late in doing so. The disagreement led to Sgt. [Kelley] being concerned about Starr's attitude. Prior to the shift, Starr and [Kelley] had a verbal agreement that Starr could bring his firearm on the premises so that Starr could go to the shooting range after his shift. The weapon was present and secured in a locker. After the verbal disagreement, [Kelley] said he was taking charge of the weapon and requested that Starr go to the hospital to be checked out. According to Starr, the doctors found no issues and released him. As a result of the incident, FSU wanted to charge Starr with carrying a weapon on the premises.

Since then, all charges have been dropped. Starr resigned from FSU Police as a result of the incident....According to [Robert] Meaney [Medfield's chief of police] and Starr, they met and Starr temporarily and voluntarily relinquished his LTC [license to carry a firearm] to the Chief and his weapons to the Medfield Police until the issue was resolved. Starr is also an Auxiliary Policeman in Medfield and the Sgt. in charge was notified by Meaney that Starr was not to be utilized for the time being. There was no official suspension or revocation of the LTC or his post as an Auxiliary Policeman due to there being no official charges filed. Starr said he would meet with Meaney in the near future now that the case is resolved with FSU....

(Ex. 5.) (Mr. Starr's visit to the hospital was not further discussed or explained in exhibits or testimony.)

35. Ms. Rautenberg asked Mr. Starr to fax to her a copy of the FSU police report of November 14, 2011. He did so on March 12, 2012 (Ex. 5, pp. 2, 5). In her investigative report for DOC, Ms. Rautenberg mentioned DOC's having received the FSU police department report, but did not discuss its substance. (Ex. 5; Starr testimony.)

36. Mr. Starr faxed the November 14, 2011 report to Ms. Rautenberg because, as he testified twice, "I had nothing to hide." Although Mr. Starr contends that some of the details in the November 14, 2011 report are inaccurate, he did not communicate to Ms. Rautenberg the alleged inaccuracies. (Starr testimony.)

37. In her investigation report, Ms. Rautenberg wrote this under "Negative Employment Aspects":

Starr did have an incident at his job with the Framingham State University Police Department which contradicts his normally "even-tempered" and "very thoughtful" characterizations. Outside of this one incident, one might note some concern for his driving record. There are no further negative employment aspects noted at this time.

(Ex. 5 p. 10.) (It is unclear if Ms. Rautenberg counted the status check incident and firearm incident as one incident, but that ultimately does not matter for purposes of this decision.)

38. Ultimately, Mr. Starr's driving record did not factor in its bypassing Mr. Starr. (O'Gara testimony; Ex. 9.)

39. In the first half of March 2012, Ms. Rautenberg completed her investigation of Mr. Starr. (Ex. 5 (p. 1 states investigation completed March 9, 2012; pp. 2, 5 refer to DOC's receiving on March 12, 2012 the investigation report from the FSU police department).)

40. Sometime between March 12, 2012 and June 21, 2012, probably a week or two after March 12, 2012, James O'Gara, a personnel officer with DOC, reviewed Mr. Starr's application. (O'Gara testimony.)

41. Mr. O'Gara noticed the following four negative aspects of Mr. Starr's employment history:

A. The "Employment History" in Mr. Starr's Application for Employment (Ex. 6, p. 3 ("Reason for Leaving [FSU]: Called to Active duty")) contradicted the information in Ms. Rautenberg's investigation report (Ex. 5, pp. 5-6 (Mr. Starr resigned from FSU)). (O'Gara testimony.)

B. Pages 5 and 6 of Ms. Rautenberg's investigation report contained negative employment history, including Mr. Starr's having had a firearm while working at FSU. (O'Gara testimony; Ex. 5 (pp. 5-6 discuss the status check incident and firearm incident).)

C. Mr. Starr had surrendered his license to carry a firearm and had been placed on hold as an auxiliary officer for the Medfield Police Department. (O'Gara testimony; Ex. 5, p. 6.)

D. The FSU police department report of November 14, 2011 (Ex. 12) discussed Mr. Starr's having had a firearm while working at FSU. (O'Gara testimony.)

42. Mr. O'Gara brought to Alexandra McInnis, the Director of Personnel in DOC's Division of Human Resources, the following documents: Mr. Starr's employment application, Ms. Rautenberg's investigation report, and the FSU police department report. (Mr. O'Gara did not bring to Ms. McInnis's attention Mr. Starr's court case arising from the firearm incident. (Ex. 11.)) Mr. O'Gara orally recommended that DOC not hire Mr. Starr. (O'Gara testimony; Ex. 2.)

43. Ms. McInnis ended Mr. Starr's candidacy at this point because of these negative aspects of his employment history. (O'Gara testimony.)

44. On June 21, 2012, DOC informed Mr. Starr that it had bypassed him because of a background check was unsatisfactory; it revealed a negative employment history. (Ex. 2.)

45. On July 17, 2012, Mr. Starr timely appealed. (Ex. 1.)

Discussion

The Appointing Authority was reasonably justified in bypassing the Appellant. DOC established by a preponderance of the evidence its "adequate reason[s], supported by credible ...evidence, and...common sense" to bypass Mr. Starr. *City of Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 305 (1997). These were the four adequate reasons, some related, which I will refer to later by number:

1. The "Employment History" in Mr. Starr's Application for Employment (Ex. 6, p. 3 ("Reason for Leaving [FSU]: Called to Active duty")) contradicted the information in Ms. Rautenberg's investigation report (Ex. 5, pp. 5-6 (Mr. Starr resigned from FSU). (O'Gara testimony.) DOC, as does almost every employer, needs truthful employees. Even if Mr. Starr's incomplete application was inadvertent, DOC needs employees who can convey information accurately in various contexts. Mr. Starr passed the civil service examination, but if the application can be considered a second examination for the position of correction officer, his performance on it gave DOC a justifiable reason to pause and ultimately bypass him.

2. Pages 5 and 6 of Ms. Rautenberg's investigation report contained negative employment history, including Mr. Starr's having had a firearm while working at FSU. (O'Gara testimony; Ex. 5 (pp. 5-6 discuss the status check incident and firearm incident).) DOC, as does most employers, needs employees with good judgment, with good attitude, and who can be located when needed or summoned. Mr. Starr never explained, not during his application to DOC or during the hearing that I conducted, why he answered the status check late. In addition, DOC was reasonably justified in bypassing Mr. Starr, who had a disagreement with Sergeant Kelley over the status check, which seems to be a routine and reasonable procedure.

3. Mr. Starr had surrendered his license to carry a firearm and had been placed on hold as an auxiliary officer for the Medfield Police Department. (O'Gara testimony; Ex. 5, p. 6.) This was an adequate reason for DOC to doubt that Mr. Starr would be a good correction officer and a reasonable justification to bypass him.

4. The FSU police department report of November 14, 2011 (Ex. 12) discussed Mr. Starr's having had a firearm while working at FSU. (O'Gara testimony.) This was an adequate reason for DOC to doubt Mr. Starr's judgment and ability to follow the law, which is especially

important in a law enforcement position, and thus a reasonable justification to bypass him. (I do not find that Mr. Starr did not follow the law, only that DOC had a reason to doubt his ability to do so.)

Of the four adequate reasons to bypass him, Mr. Starr explicitly acknowledges only one. *E.g.*, Appellant's Recommended Decision at 6 ("The alleged single incident at FSU is the sole reason for the DOC bypassing the Appellant..."), 13 ("[T]here is one controversy which is subject to interpretation..."). Since Mr. Starr acknowledges that FSU report (Ex. 12) is largely accurate (Starr testimony), it is unclear why he proposes to call the incident "alleged" and "subject to interpretation." *Id.* Even referring to a "single incident" and "one controversy" minimizes DOC's reasonable justification for bypassing Mr. Starr. Adequate reason #2 comprises two and possibly three incidents: Mr. Starr answering the status check late; Mr. Starr getting into a disagreement with Sergeant Kelley over the status check; and Mr. Starr carrying a firearm on campus.

It is not significant if the FSU police report of November 14, 2012 was not accurate in all of its details, for the following reasons: The report was largely accurate, by Mr. Starr's admission. (Starr testimony.) Mr. Starr submitted it to DOC because he had nothing to hide, and, although he knew it was part of his employment application, did not annotate it or otherwise note its alleged inaccuracies at the time or after he submitted it. (Starr testimony.) According to Mr. Starr, the FSU police report omitted that Sergeant Kelley had given him permission to bring his firearm to FSU. (Starr testimony.) However, Mr. Starr did tell Ms. Rautenberg that Sergeant Kelley had given him permission (Ex. 5); thus, DOC knew about this assertion when it bypassed Mr. Starr. Finally, the FSU report was only one adequate reason that DOC had for bypassing Mr.

Starr (adequate reason #4) and was related to a second adequate reason (adequate reason #2).

Two adequate reasons (#1 and #3) fully stand even without the FSU report.

It is not significant that Mr. Starr has been unable to get a recording of his interview at the FSU police department on November 14, 2011. His exact statements after receiving *Miranda* warnings could be significant in any criminal case (*see* Ex. 11), but the interview was memorialized in a police report that Mr. Starr concedes is largely accurate.

Mr. Starr argued variously that Sergeant Kelley did not like him because he was applying to DOC and was a veteran; was negative, angry, bitter, and resentful because of a demotion; was angry at everyone he worked with; and retaliated against Mr. Starr as the low man on the totem pole. (Starr testimony.) However, Mr. Starr does not explain clearly how Sergeant Kelley affected Mr. Starr's application to DOC. If he is saying that Sergeant Kelley gave him permission to bring a firearm onto campus (Starr testimony) and then disciplined him for having the firearm, to get Mr. Starr in trouble, Mr. Starr has not so articulated. If he is saying that Sergeant Kelley unfairly became angry at him for answering the status check late, Mr. Starr has not so articulated. And Sergeant Kelley had nothing to do with adequate reasons #1 and #3.

Mr. Starr's attempts to ascribe his difficulties at FSU to Sergeant Kelley and his various descriptions of Sergeant Kelley's motives throughout the hearing (Sergeant Kelley disliked everyone or especially Mr. Starr; he disliked Mr. Starr for applying to DOC and/or for being a veteran and/or being the low man on the totem pole) diminished his credibility. His testimony that he did not know that state law generally bars firearms on campus but that he asked permission to bring a firearm onto campus diminished his credibility. So did his downcast eyes during his testimony.

It is not significant whether Mr. Starr carried his firearm at FSU or kept it in a locked cabinet there. (Starr testimony; Ex. 12.) It is not significant whether other people had access to the locked cabinet. (Starr testimony; Ex. 12.) These are details in an investigation report (Ex. 12) that Mr. Starr concedes is largely accurate. (Starr testimony.) Furthermore, the investigation report is only one of four adequate reasons that DOC had to bypass Mr. Starr.

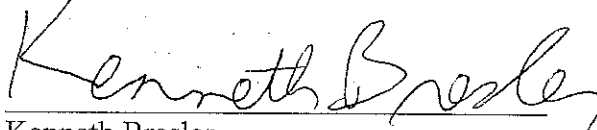
To the extent that Mr. Starr means to argue in his recommended decision that the Appointing Authority has discriminated against him, violated the U.S. Constitution, and violated his rights as a veteran, these arguments are not before me and he has not developed them.

The issue before me is not whether the Appellant's former employer was reasonably justified in disciplining him. The issue before me is whether the Appointing Authority was reasonably justified in reviewing the Appellant's difficulties with his former employer – and other factors – and deciding that it did not want to become the Appellant's employer. The Appointing Authority was reasonably justified.

Conclusion and Order

The Department of Correction established by a preponderance of the evidence that it was reasonably justified in bypassing Mr. Starr for a correction officer position. I therefore recommend that the Civil Service Commission dismiss his appeal.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Kenneth Bresler
Administrative Magistrate

Dated: **MAR - 4 2013**