

Commonwealth of Massachusetts

CIVIL SERVICE COMMISSION

100 Cambridge Street – Suite 200
Boston, MA 02114

ROBERT L. TABB,
Appellant

v.

HUMAN RESOURCES DIVISION,
Respondent

Docket Number:

B2-25-177

Appearance for Appellant:

Robert L. Tabb, *pro se*

Appearance for Respondent:

Nicole J. Boudreau, 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 Boston Fire Lieutenant Promotional Examination as he was awarded all the “experience” and “certification” credits on the ECT&E component of the examination for which he provided proper documentation.

DECISION ON RESPONDENT’S MOTION FOR SUMMARY DECISION

On July 31, 2025, the Appellant, Robert Tabb, appealed to the Civil Service Commission (Commission), pursuant to G.L c. 31, § 24, from the decision (after review) of the state’s Human Resources Division (HRD) that denied his claims for additional experience and

certification points on the ECT&E component of the 2025 Boston Fire Lieutenant Promotional examination. I held a remote pre-hearing conference on this appeal on September 2, 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 for Summary Decision but he 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 eleven exhibits with its Pre-Hearing Memorandum (*Resp.Exhs.1 through 11*) and one supplemental exhibit (*Resp.Exh.12*). The Appellant filed six documents with his claim of appeal (*App.Exhs.1 through 6*). Based on the submissions of the parties, the following facts are not disputed:

1. The Appellant, Robert Tabb, is a firefighter employed by the Boston Fire Department (BFD). (*Claim of Appeal; App.Exh.5; Resp.Exhs.5 & 11*)

2. On or about January 31, 2025, the Appellant applied to take the 2025 Boston Fire Lieutenant Promotional Examination. The examination was comprised of a written component and an ECT&E component. The ECT&E component was a required component and accounted for 20% of the total exam score. (*Resp.Exhs.3 & 11*)

3. The ECT&E Claim Candidate Preparation Guide for the BFD 2025 Promotional Examinations contained, in relevant part, the following instructions:

Supporting Documentation

ALL claims, whether for experience, certification, training, license or education, require supporting documentation. This guide will identify what is supporting documentation

for each category. The on-line form includes a section entitled “attachments” for submission of documents. **Please label your document to ensure it is processed accordingly.** A candidate can revisit the “attachments” page as many times as necessary to submit all required documentation before the claim is submitted.

...

Employment Verification Form (EVF)

An EVF for all fire promotional exams is available on our website. Please ensure that you are entering the exam title you are participating in. The experience you provide should only be candidate experience gained on or before the exam date. Each section of the EVF may not apply to all departments participating in the examination.

The EVF must be signed and dated by your department’s appointing authority or their designee for work in their current department.

A link to the 2025 Fire Promotional EVF form is [here](#).

NOTE: A resume will never be accepted instead of an EVF.

Fire Trainings and Certifications

Candidates may claim certification and training courses they have earned as of the date of the written exam. The claim will be the sum of all specified certifications and trainings the candidate has completed; the maximum number of trainings and certifications a candidate can be awarded is eight.

...

Please note that all certifications must be ProBoard certified unless specifically noted. The only certifications accepted from FEMA/MEMA are specified below. No other certifications will be accepted for credit.

...

Tier 3:

- Driver Operator/Pumper (Proboard)
- Driver Operator Aerial (Proboard)
- ICS 100.C: Introduction to the Incident Command System (FEMA/MEMA)
- ICS 200: Basic Incident Command System for Initial Response (FEMA/MEMA)
- ICS 700: An Introduction to the national incident Management System (FEMA/MEMA)
- ICS 800: National Response Framework, An Introduction (FEMA/MEMA)

(Resp.Exh.1) (emphasis added)

4. The Appellant participated in the written component of the examination administered by HRD on April 12, 2025. *(Claim of Appeal; Resp.Exh.11)*

5. The Appellant duly submitted an on-line ECT&E claim form on April 17, 2025, to which he attached certain documentation. The documentation did not include an EVF or a

FEMA/MEMA certification for the ISC 100 training. (*HRD Pre-Hearing Memorandum; Resp.Exh.11; App.Exhs.1 through 6*)

6. On June 6, 2025, the Appellant was notified that for the ECT&E score, he was awarded certain points for Certification/Training but awarded zero points for Experience. Specifically, the Appellant's ECT&E claim was amended as follows:

Q(2): 25 year preference Claimed (Yes) Amended (No) No supporting documents provided (EVF); Q(4): Work experience recalculated Claimed (25 years) Recalculated to (No Experience) No supporting documents provided (EVF); Q(5): Acting time in exam title Claimed (5 months up to 6 months) Recalculated to (No acting/provisional) No supporting documents provided (EVF); Q(14): Certifications earned Claimed (1 certification earned) Recalculated to (No certification earned) No supporting documents provided.

(*Resp.Exh.7*)

7. The Appellant duly sought a review of his ECT&E claim by HRD. Upon learning that his experience claims had been denied due to the absence of an EVF, the Appellant submitted the required EVF. (*Resp.Exh. 8*)

8. On July 17, 2025, HRD provided the Appellant with a revised score notice which recalculated the Appellant's ECT&E score, granting him credit for his Q.4 work experience (less the amount of acting Lieutenant time which was allowed under Q.5 (actually granting him more points overall than the 25 years he had claimed under Q.4). The Appellant did not submit an ICS 100 FEMA/MEMA certificate as part of his request for HRD review, and his Q.14 claim for that Tier 3 certification remained denied. (*Resp.Exhs.9 & 10*)

9. HRD's revised score notice also indicated that the Appellant's Q.2 claim for a 25-years' service preference was denied because the EVF showed that he was permanently appointed as a firefighter on 11/8/2000, so that his service was short of 25 years as of the date of the exam (4/12/2025). (*Resp.Exhs.9 & 10*)

10. After recalculation of his ECT&E score, the Appellant is ranked 21st on the current BFD Fire Lieutenant eligible list, established 7/22/2025, tied with four other candidates.

(Administrative Notice [[Boston Fir 2025 Eligible Lists](#)])

11. On July 31, 2025, the Appellant filed this appeal with the Commission. In his appeal, he stated:

My experience score did not include my time on the job, and I was only given credit for one of my certifications. I just want to make sure I'm not missing any points that I may be entitled to.

(Claim of Appeal)

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 MSCR 147 (2025); Bell v. HRD, 38 MSCR 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, after review, HRD's revised score notice awarded the Appellant the correct amount of permanent firefighter experience (Q.4) and acting Lieutenant experience (Q.5) to which he was entitled, without double counting the acting time as firefighter experience. The Appellant's Q.2 claim to a 25-years' service preference was correctly denied as his service fell short of the required 25 years as of the date of the examination. The Appellant's Tier 3 claim to an ISC 100 certification was also correctly denied for lack of the necessary documentation, which the record shows the Appellant did not provide to HRD (nor the Commission).

CONCLUSION

For the reasons stated above, HRD's Motion for Summary Decision is ***granted*** and the Appellant's appeal under Docket Number B2-25-177 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 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:

Robert L. Tabb (Appellant)

Nicole J. Boudreau, Esq. (for Respondent)