

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

CRAIG WOODHAMS,
Appellant
v.

Case No.: D-14-261

**DEPARTMENT OF
CORRECTION,**
Respondent

ORDER OF DISMISSAL

On November 8, 2014, the Appellant, Craig Woodhams (Mr. Woodhams), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the Department of Correction (DOC) to suspend him for one (1) day.

On December 2, 2014, I held a pre-hearing conference which was attended by Mr. Woodhams and a representative for DOC. DOC subsequently filed a Motion for Summary Decision. As part of the pre-hearing conference, I carefully considered the statements of both parties.

Based on the statements of both parties, it is undisputed that Mr. Woodhams has been employed by DOC since 1997 and currently serves in the title of permanent Industrial Instructor III. Prior to the incident in question here, his prior discipline consisted of two (2) reprimands.

The parties also agree that, on January 8, 2014, Mr. Woodhams gave an inmate who was part of work crew a can of paint thinner / lacquer. While Mr. Woodhams was not looking, the inmate, left the assigned area with the paint thinner / lacquer and walked to other areas of the facility, including the “chow hall.”

Mr. Woodhams did not dispute the seriousness of the January 8th incident, given that, for a period of time, an unsupervised inmate was walking throughout the facility with a highly flammable liquid. Rather, Mr. Woodhams argued that the level of discipline was too severe given his eighteen (18) years of service with DOC. Further, Mr. Woodhams argued that the Commission should consider, as a mitigating factor, that the inmate who took the paint thinner / lacquer was “brand new” to the work crew.

Given that there is no factual dispute that an inmate, who was supposed to be under the supervision of Mr. Woodhams, was able to walk throughout the facility with a flammable liquid, there is no need for a full evidentiary here. (See Zachary v. Civ. Serve. Comm’n and Dep’t of Correction, Suffolk Sup. Ct. No. 07-3197 (2008) (full hearing not necessary where the facts were not in disputed related to a 5-day suspension). The undisputed facts show that

DOC had just cause to discipline Mr. Woodhams for failing to properly supervise an inmate. Further, “[w]ithin such minor and close bounds [as with a one-day suspension], the Commission is less justified [in modifying the discipline] and more disruptive of legitimate departmental calibration of discipline.” Boston Police Dep’t v. Gows, Suffolk Sup. Ct. No. 01-04404 (2002) citing Boston Police Dep’t v. Donovan and Mass. Civil Serv. Comm’n., Suffolk Sup. Ct. No. 96-4869-E.

For these reasons, Mr. Woodhams’s appeal under Docket no. D-14-261 is hereby *denied*.

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on February 19, 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)(1), 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:

Craig Woodhams (Appellant)

Andrew McAleer, Esq. (for Respondent)