

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

CIVIL SERVICE COMMISSION

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

TARA WOOLEY,
Appellant

v.

G1-07-208

MASSACHUSETTS ENVIRONMENTAL
POLICE,
Respondent

Appellant's Attorney:

Pro Se
Tara Wooley

Respondent's Attorney:

Alicia Barton McDevitt, Esq.
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street: Suite 900
Boston, MA 02114

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

Pursuant to G.L. c. 31, §2 (b), the Appellant, Tara L. Wooley, (hereafter "Appellant" or "Wooley") appealed the decision of the Massachusetts Environmental Police (hereafter "Appointing Authority") claiming that she was bypassed for original appointment as an environmental police officer after failing a medical examination due to her vision.

At a pre-hearing conference on September 26, 2007, it was agreed by the parties that the Appellant would be permitted to re-take her eye examination for purposes of meeting the physical requirements for hiring by the Appointing Authority, pursuant to G.L. c. 31,

§ 61A. The Appellant re-took the examination on October 1, 2007 and passed the vision test.

The Appellant will need to complete a Physical Aptitude Test ("PAT") prior to attending a police training academy, both of which will not occur until the Spring of 2008. As such, the parties asked the Commission to stay the current appeal for six months. That request is denied.

Rather, the Appellant's appeal under Docket No. G1-07-208 is *dismissed without prejudice*, with the following proviso:

The time period pursuant to G.L. c. 30A, § 14(1) for a party to file a Motion for Reconsideration and the time period pursuant to G.L. c. 30A, § 14 generally for a party to seek judicial review of this Decision are hereby tolled until the Appellant has either been selected or bypassed for the position of environmental police officer. In the event that the Appellant, who was previously bypassed for failing an eye examination, is bypassed for the same position for a different reason, the Commission will accept and allow a Motion for Reconsideration seeking to reinstate the Appellant's appeal under docket number G1-07-208 for further consideration of that appeal and no additional filing fee will be required.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Guerin, Henderson, Marquis and Taylor, Commissioners) on November 15, 2007.

A True copy. Attest:

Commissioner

Notice to:
Tara Wooley (Appellant)
Alicia B. McDevitt, Esq. (for Appointing Authority)
Patrick Mulroney, Esq. (HRD)