

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

IAN HOGAN,
Appellant,

v.

G1-13-242

TOWN OF LUDLOW,
Respondent

Appearance for Appellant:

Amy E. Doherty, Esq.
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Appearance for Respondent:

Stanley L. Weinberg, Esq.
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Commissioner:

Cynthia A. Ittleman, Esq.¹

DECISION

On November 7, 2013, the Appellant, Ian Hogan (“Mr. Hogan” or “Appellant”), pursuant to G.L.c. 31, §2(b), filed this appeal with the Civil Service Commission (“Commission”), contesting the decision of the Town of Ludlow (“Ludlow”) to bypass him for the original appointment of the position of a permanent full time Firefighter-Paramedic. A Prehearing conference was held at the offices of the Commission on December 17, 2013 and a full hearing was held at the Board of Selectmen’s Meeting Room at the Ludlow Town Hall on March 25,

¹ The Commission acknowledges the assistance of Law Clerk Chris Windle in the drafting of this decision.

2014.² The witnesses were sequestered. The hearing was digitally recorded and both parties were provided with a CD of the hearing³. The parties both submitted proposed decisions.

FINDINGS OF FACT:

Eleven (11) exhibits were entered into evidence at the hearing. Based on these exhibits, the testimony of the following witnesses:

Called by the Appointing Authority:

- Mark Babineau, Fire Chief, Ludlow Fire Department

Called by the Appellant:

- Ian Hogan, Appellant
- Dr. Louis Durkin, Medical Director, Mercy Medical Center, by subpoena

and taking administrative notice of all matters filed in the case and pertinent statutes, caselaw, regulations, policies, and reasonable inferences from the credible evidence; a preponderance of credible evidence establishes the following facts:

1. At the time of the hearing, Mr. Hogan was a 31 year old male, residing in Florence, Massachusetts, with his wife and two children. (Testimony of Mr. Hogan)
2. At the time of the hearing, Mr. Hogan was employed as an EMT for County Ambulance, with medical control at the Berkshire Medical Center (“Berkshire”). (Testimony of Mr. Hogan)
3. Mr. Hogan graduated from Agawam High School. After high school, Mr. Hogan was in the Marine Corps for five (5) years, from which he was honorably discharged. Mr. Hogan

² The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§1.00, *et seq.*, apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence

³ 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 he/she wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion.

received approximately fifteen (15) medals and awards while in the service. (Testimony of Mr. Hogan)

4. Mr. Hogan attended Holyoke Community College before transferring to Westfield State College without completing any degrees. (Testimony of Mr. Hogan)
5. Mr. Hogan left Westfield State College to begin training towards a career as an EMT at Springfield Technical College. (Testimony of Mr. Hogan)
6. When Mr. Hogan was hired by American Medical Response (“AMR”) as an EMT, he left Springfield Technical College to attend AMR’s EMT school, where he completed his EMT training. (Testimony of Mr. Hogan)
7. Mr. Hogan began work as an EMT with AMR in 2008. (Testimony of Mr. Hogan)
8. EMTs are certified by the Massachusetts Office of Emergency Medical Services (“OEMS”). There are three levels of proficiencies for EMTs: Basic, Intermediate, and Paramedic. The Paramedic is the only one that can administer drugs and perform the full range of Advanced Life Support (“ALS”). (Joint Stipulated Facts)
9. Mr. Hogan is certified as an EMT Paramedic. (Testimony of Mr. Hogan)
10. AMR is affiliated with two hospitals, Holyoke Medical Center (“Holyoke”) and Baystate Medical Center (“Baystate”). These hospitals provide medical control to the Paramedics of AMR. (Testimony of Mr. Hogan)
11. Medical control is required by both OEMS regulations and statute in order for an EMT to be allowed to work at the ALS level. Medical control also gives the EMT authorization to practice in a designated affiliate hospital. (Joint Stipulation of Facts)

12. On February 9, 2011, two incidents occurred for which Mr. Hogan was strongly rebuked and criticized by Dr. Bombardier, the Affiliated Hospital Medical Director (“AHMD”) for Holyoke. (Exh. 6)
13. The first incident for which Mr. Hogan was strongly rebuked and criticized involved a hostile female diabetic patient. When questioned by Mr. Hogan, the woman claimed she had recently checked her blood sugar and it was fine. The exchange between the patient and Mr. Hogan became contentious. Mr. Hogan and his partner, Jordan, an EMT-Basic, brought her to Holyoke. During the ride to the hospital, Mr. Hogan drove the ambulance and Jordan rode in the back with the patient. The hospital eventually checked the woman’s blood sugar two (2) hours after her arrival and found that she was dangerously hypoglycemic. (Exh. 6)
14. The second incident for which Mr. Hogan was strongly rebuked and criticized involved a car accident. Upon arrival at the scene, Mr. Hogan’s partner, Jordan, an EMT-Basic, spoke to the injured woman while Mr. Hogan surveyed the accident. The injured woman was unwilling to go with the paramedics to the hospital. After coaxing her into going with them to the hospital, they failed to put her into a back brace or immobilize her, which is the standard operating procedure for any car accident involving a collision over 30 mph under the spinal injury protocol.⁴ Mr. Hogan drove the ambulance to the hospital while Jordan rode in back with the patient. Holyoke discovered that the injured woman had spinal fractures upon arrival at the hospital. (Exh. 6)
15. On February 10, 2011, the day following the two incidents, Dr. Bombardier revoked Mr. Hogan’s medical control for thirty (30) days and told him that they would discuss it further. Dr. Bombardier then scheduled a meeting with Mr. Hogan. (Testimony of Mr. Hogan; Exh. 6)

⁴ See fns 5, 6, *infra*.

16. Mr. Hogan canceled the meeting set up by Dr. Bombardier because he erroneously thought he was allowed to have a union representative at such a meeting when in fact he was not.
(Testimony of Mr. Hogan; Exh. 6)
17. Dr. Bombardier then fully revoked Mr. Hogan's medical control, in part because Mr. Hogan had cancelled the meeting. (Testimony of Mr. Hogan; Exh. 6)
18. On February 11, 2011, Dr. Santoro, the AHMD at Baystate, informed Mr. Hogan that he revoked Mr. Hogan's medical control at Baystate upon review of the incidents. (Testimony of Mr. Hogan)
19. Mr. Hogan was put on unpaid leave at AMR and was eventually terminated due to having his medical control revoked. (Testimony of Mr. Hogan)
20. Mr. Hogan met with Dr. Bombardier and Bob Moore, the Emergency Preparedness Coordinator at Holyoke, a few weeks after February 10th. At the meeting, Mr. Hogan was strongly criticized by Dr. Bombardier, who notified Mr. Hogan that his medical control was suspended and OEMS had been so informed. (Testimony of Mr. Hogan)
21. OEMS conducted an investigation into the incidents surrounding the revocation of Mr. Hogan's medical control. This investigation began on February 14, 2011 and ended June 6, 2011. (Testimony of Mr. Hogan; Exh. 6)
22. Mr. Hogan received an OEMS Notice of Agency Action relating to the investigation. It said that his paramedic licensure was revoked until Mr. Hogan had completed remedial training and evaluation. Mr. Hogan appealed this decision. (Exh. 6)
23. On April 4, 5, 25, and 26 of 2012, a full hearing concerning Mr. Hogan's appeal was held by the Department of Administrative Law Appeals ("DALA") regarding the two incidents noted

above, along with an earlier, third incident involving an elderly man who had had a seizure.
(Exh. 6)

24. The incident involving an elderly man with a seizure occurred on December 12, 2010. DALA found that Mr. Hogan had acted incorrectly on this occasion because he started with a more invasive method of treatment when other less invasive options were available. (Exh. 6)
25. The December 12, 2010 incident was not reported to OEMS at the time the two incidents noted above because it was a minor mistake and it would not have been enough, on its own, to trigger revocation of Mr. Hogan's medical control or his EMT certification. Instead, the December 12, 2010 incident was handled by Dr. Bombardier who would instruct Mr. Hogan on the proper treatment methods. (Exh. 6)
26. DALA found that Mr. Hogan had failed to act properly with respect to the woman who was injured in the car accident when he failed to inform her of the risks of not immobilizing her for the transport to the hospital, when he did not obtain her consent to refuse treatment (immobilization) and for having Jordan, an EMT-Basic, ride in the back of the ambulance with the patient as opposed to himself. DALA found that Mr. Hogan's conduct in these regards endangered public health. (Exh. 6)⁵
27. DALA found that Mr. Hogan had failed to act properly with respect to the diabetic patient when he did not "de-escalate" a tense situation regarding the patient's medicine and by allowing Jordan, an EMT-Basic, to ride in back of the ambulance with the patient as opposed to himself. However, DALA found that during this incident his actions did not rise to the level of endangering public health. (Exh. 6)⁶

⁵ DALA found he violated 105 CMR 170.940(C), 170.800(C), 170.305(E)(3), 170.940(F) (Exh.6)

⁶ DALA found he violated 105 CMR 170.305(E)(3), (Exh. 6)

28. In its recommended decision, DALA affirmed the OEMS decision that Mr. Hogan had acted incorrectly during the two incidents on February 9, 2013 involving the diabetic patient and the woman injured in a car accident and determined that the temporary revocation of his licensure was reasonable. (Exh. 6) The Department of Public Health affirmed and accepted the DALA decision on January 17, 2013. (Exh. 7)
29. The DALA decision also ordered Mr. Hogan to retrain in the fields where he showed deficits before having his license renewed. The decision to grant medical control would be solely up to the AHMD. (Testimony of Mr. Hogan; Exh. 6)
30. In compliance with the DALA decision, Mr. Hogan took online training courses with medic.ed.com, a website owned by Dr. Durkin, which has prerecorded lessons of various EMT courses. (Testimony of Dr. Durkin; Testimony of Mr. Hogan)
31. Mr. Hogan completed the required training pursuant to the DALA decision. On January 3, 2013, the Department of Public Health ended the temporary revocation of his EMT certification. (Exh. 8)
32. On May 20, 2013, Dr. Santoro gave Mr. Hogan a general letter addressed to “whom it may concern,” stating that Dr. Santoro would give Mr. Hogan medical control at Baystate if Mr. Hogan’s employment required it. (Exh. 9)
33. Mr. Hogan took and passed the Civil Service Exam for Firefighter-Paramedic April 28, 2012. (Stipulation of Facts)
34. Mr. Hogan was hired as an EMT at County Ambulance in July 2013 and was granted medical control at Berkshire. (Testimony of Mr. Hogan)

35. On June 26, 2013, Ludlow requested a Certification from the state Human Resource Division (“HRD”) for the appointment of three (3) Ludlow Firefighter-Paramedics. (Stipulation of Facts)
36. In order to meet minimum qualifications for the position of Ludlow Firefighter-Paramedic, the candidate must be certified as an EMT at the Paramedic level and be granted medical control with the affiliated hospital, Mercy Medical Center (“Mercy”). (Testimony of Babineau)
37. Mr. Hogan was ranked third on Certification 00982, from which Ludlow ultimately appointed three (3) Ludlow Firefighter-Paramedics, one (1) of whom was ranked below Mr. Hogan. (Stipulation of Facts)
38. After HRD sent the Certification to Ludlow and the candidates applied, the Ludlow Fire Department (“LFD”) Chief conducted candidate interviews. (Testimony of Babineau)
39. During the interview with LFD Chief Mark Babineau (“Chief Babineau”), Mr. Hogan’s previous discipline, loss of medical control and temporary loss of EMT certification came to light and Mr. Hogan explained what had happened that caused these actions. (Testimony of Babineau)
40. After hearing Mr. Hogan’s explanation, Chief Babineau found that Mr. Hogan’s actions were not especially problematic. Chief Babineau found Mr. Hogan’s explanation to be plausible and that the situations were similar to those he and other paramedics had experienced. (Testimony of Babineau)
41. After this interview, Mr. Hogan interviewed with the Board of Selectmen. Mr. Hogan informed the Board of the incidents that caused him to have his medical control revoked and his EMT license temporarily revoked. (Testimony of Mr. Hogan)

42. Chief Babineau brought his appointment recommendations to the Board of Selectman, the Appointing Authority. Chief Babineau included Mr. Hogan among the candidates he recommended. (Testimony of Babineau)
43. Chief Babineau has never known of an EMT being denied medical control prior to Mr. Hogan. (Testimony of Babineau)
44. On September 17, 2013, the Board of Selectmen, as the Appointing Authority for the LFD, voted to extend a conditional offer of employment to Mr. Hogan for the position of Firefighter-Paramedic, pending the results of his medical evaluation and a physical abilities test. (Joint Stipulation of Facts)
45. The next day, Dr. Durkin, the AHMD at Mercy, was informed of the new conditional offers of employment extended to Ludlow Firefighter-Paramedic candidates. Dr. Durkin informed Chief Babineau that he would not grant medical control to Mr. Hogan. (Testimony of Babineau, Exh. 5)
46. Chief Babineau spoke with Dr. Durkin and advocated for Mr. Hogan. Dr. Durkin dismissed Chief Babineau's advocacy and told him there was more to the story than the Chief knew. (Testimony of Babineau)
47. On September 18, 2013, Dr. Durkin sent a letter to Chief Babineau, refusing medical control to Mr. Hogan. (Exh. 5)
48. On September 26, 2013, Mr. Hogan was informed that Dr. Durkin refused to grant him medical control. Mr. Hogan went to Dr. Durkin's office to speak with him but Dr. Durkin refused to meet with him. (Testimony of Mr. Hogan)

49. Dr. Durkin and Dr. Bombardier know each other as Regional Coordinators for the area Physician's Council, where they discuss standards of care for emergency medical services and medical control. (Testimony of Dr. Durkin)
50. On September 26, 2013, Dr. Durkin sent an email message to Dr. Bombardier stating that Ludlow had extended a conditional offer of employment as a Firefighter-Paramedic to Mr. Hogan. Dr. Bombardier informed Dr. Durkin that Dr. Santoro believed that Mr. Hogan deserved a second chance, as did "Ron," the AHMD at Berkshire, who had recently granted Mr. Hogan medical control. Dr. Bombardier informed Dr. Durkin that he would not grant Mr. Hogan medical control and it was up to Dr. Durkin to decide whether to give Mr. Hogan a chance. (Exh. 11A)
51. Dr. Bombardier also informed Dr. Durkin that Chief Babineau had asked where he could appeal Dr. Durkin's decision. Dr. Bombardier informed Chief Babineau that it was solely Dr. Durkin's decision. (Exh. 11A)
52. Dr. Durkin withheld medical control from Mr. Hogan because of the incidents that led to the temporary revocation of Mr. Hogan's license as well as Mr. Hogan's decision to appeal OEMS' decision. Notwithstanding the fact that Mr. Hogan had taken the courses required by the DALA decision and had had his license reinstated, as well as the fact that he was then working as a paramedic with medical control at another hospital, Dr. Durkin refused to grant Mr. Hogan medical control because, he asserted, Mr. Hogan placed the blame for his mistakes on others rather than taking responsibility and learning from them. (Testimony of Dr. Durkin; Exh. 11A)

53. Dr. Durkin informed Mr. Hogan that if Mr. Hogan had no professional difficulties for one year, he would revisit the issue of granting Mr. Hogan medical control at Mercy. (Testimony of Dr. Durkin)

54. On October 2, 2013, Ludlow sent Mr. Hogan a letter informing him that he was being bypassed. The letter stated the reason for the bypass was that Dr. Durkin would not grant Mr. Hogan medical control. (Exh. 1)

55. Mr. Hogan timely filed this bypass appeal at the Commission on November 6, 2013.
(Stipulation of Facts)

DISCUSSION

Legal Standard

Upon a bypass appeal, the appointing authority has the burden of proving by a preponderance of the evidence that the reasons stated for the bypass are justified. Brackett v. Civil Serv. Comm'n, 447 Mass. 233, 241 (2006). Reasonable justification is established when such an action is “done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and correct rules of law.” Comm’rs of Civil Serv. v. Mun. Ct., 359 Mass. 211, 214 (1971) (quoting Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex, 262 Mass. 477, 485 (1928)).

An appointing authority may use any information it has obtained through an impartial and reasonably thorough independent review as a basis for bypass. See City of Beverly v. Civil Serv. Comm’n, 78 Mass.App.Ct. 182, 189 (2010). “In its review, the commission is to find the facts afresh, and in doing so, the commission is not limited to examining the evidence that was before the appointing authority.” Id. at 187 (quoting City of Leominster v. Stratton, 58 Mass.App.Ct. 726, 728, rev. den., 440 Mass. 1108 (2003)). “The commission’s task, however, is

not to be accomplished on a wholly blank slate.” Falmouth v. Civil Serv. Comm’n, 447 Mass. 814, 823 (2006). Further, “[t]he commission does not act without regard to the previous decision of the appointing authority, but rather decides whether there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the appointing authority made its decision.” Id. at 824 (quoting Watertown v. Arria, 16 Mass.App.Ct. 331, 334, rev. den., 390 Mass. 1102 (1983)).

In deciding an appeal, “the commission owes substantial deference to the appointing authority’s exercise of judgment in determining whether there was reasonable justification” shown. Beverly, at 188. An appointing authority “should be able to enjoy more freedom in deciding whether to appoint someone as a new... [employee] than in disciplining an existing tenured one.” See City of Attleboro v. Mass. Civil Serv. Comm’n, C.A. BRCV2011-00734 (MacDonald, J.), (citing Beverly at 191). The appointing authority does not have to prove its valid justification is correct so long as it is supported by credible evidence. Beverly, at 187. The Commission is charged with ensuring that the system operates on “[b]asic merit principles.” Mass. Ass’n of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, at 259 (2001). “It is not within the authority of the commission, however, to substitute its judgment about a valid exercise of discretion based on merit or policy considerations by an appointing authority.” Id. (citing Sch. Comm’n of Salem v. Civil Serv. Comm’n, 348 Mass. 696, 698-99 (1965); Debnam v. Belmont, 388 Mass. 632, 635 (1983); Comm’n of Health & Hosps. of Bos. v. Civil Serv. Comm’n, 23 Mass.App.Ct. 410, 413 (1987)).

Analysis

The parties dispute whether Ludlow was required to look into Dr. Durkin’s reasoning for refusing to grant Mr. Hogan medical control. Mr. Hogan contends that Ludlow accepted a two

sentence letter that stated simply that Dr. Durkin would not grant Mr. Hogan medical control to Mercy, and did not conduct a reasonably thorough independent review to determine whether Dr. Durkin's decision was adequately supported. Ludlow contends that Chief Babineau did do a further, thorough investigation by visiting and speaking with Dr. Durkin and Dr. Bombardier, and that Dr. Durkin is solely responsible for granting medical control. As such, Ludlow contends that its hands were tied and it was required to bypass Mr. Hogan for not meeting the qualifications.

A preponderance of the evidence establishes that Ludlow's bypass of Mr. Hogan was reasonably justified. Although there appears to be no precedent for upholding the bypass of a Firefighter-EMT candidate based on the lack of medical control, the Commission has upheld termination and indefinite suspension actions when an employee loses a license or certification that was essential for the function of their employment. See Bean v. Town of Bourne, 24 MCSR 1 (2011) (Paramedic was terminated due to his medical control revoked); Canella v. North Andover Fire Dep't, 21 MCSR 266 (2008) (Firefighter terminated during probationary period for failure to obtain EMT certification); Britt v. Dep't of Public Health, 20 MCSR 364 (2007) (Electrician terminated due to a lapsed Electrician license); McCravey v. Town of Bedford, 10 MCSR 5 (1996) (Patrol officer indefinitely suspended due to losing his driver's license). Nonetheless, the Commission cannot grant a bypass appeal where the bypassed candidate could be terminated for lacking essential qualifications. Because medical control is a requirement for the duties of a Firefighter-Paramedic and because Mr. Hogan had been denied medical control at Mercy, the LFD Affiliated Hospital, he is unable to meet the qualifications for the job and Ludlow had reasonable justification to bypass Mr. Hogan.

Following the two incidents on February 9, 2011 involving Mr. Hogan's work as an EMT, DALA affirmed the determination of OEMS to temporarily revoke Mr. Hogan's Paramedic Certification until he took retraining courses. Mr. Hogan took the required retraining courses through Dr. Durkin's medical training website and passed the courses.⁷ After passing these courses, the temporary revocation of Mr. Hogan's EMT certification was terminated by the Department of Public Health. One of Mr. Hogan's prior medical directors, Dr. Santoro, the AHMD for Baystate, indicated that he would re-issue medical control to Mr. Hogan if he were asked to do so. Chief Babineau had recommended Mr. Hogan to the Appointing Authority, even after being informed of his history, knowing that all paramedics have to make judgment calls and that he has known others who made similar mistakes. When Chief Babineau was advised of Dr. Durkin's refusal to grant Mr. Hogan medical control at Mercy Hospital, he even contacted Dr. Durkin to discuss the matter. Since there was not much more that Chief Babineau could do in this regard, I find that Ludlow conducted a reasonably thorough review under the circumstances. Notwithstanding Chief Babineau's inquiry, Dr. Durkin's position was unchanged.

Dr. Durkin appears to be the sole person who can grant medical control at Mercy, a hospital where Ludlow Firefighter-EMTs are required to have medical control so that they are authorized to bring patients to the hospital. It is not the task of the Commission to determine whether or not Dr. Durkin's refusal to grant medical control to Mr. Hogan was appropriate. See Bean v. Town of Bourne, infra (The Commission should not intrude in matters best handled by

⁷ In addition to Dr. Durkin's immediate professional concerns about Mr. Hogan, which I do not question, he also may have had other concerns. In an email message from Dr. Durkin to Dr. Bombardier on September 26, 2013, Dr. Durkin wrote, "Thank you for all the information. I vividly remember your description of events with Mr. H. I also remember thinking I hope he doesn't show up on one of my services. My biggest issue is not that he made mistakes as a medic, but that the remediation process was not helpful and he sued his medical director for making a painful decision. I can't imagine extending medical control now. I would never be able to look at his medicine objectively or remediate him appropriately. If he screwed up again, I'd be liable for any patients he harms for allowing him to practice knowing he is not up to par. Awkward all the way around. He left a note when he left the ER. It has his contact info as well as his lawyer's. Anyway, I'll bring it up tomorrow." (Exh. 11A)

another specialized agency). Similarly, Ludlow was not in the position to take any further action regarding Dr. Durkin's refusal to grant Mr. Hogan medical control at Mercy and, therefore, it concluded that it could not hire Mr. Hogan. At the time of the Commission hearing, Mr. Hogan was an EMT at County Ambulance, where he was employed and had been granted medical control at Berkshire. Perhaps Dr. Durkin will have the opportunity to revisit his concerns about granting Mr. Hogan medical control at Mercy at a time when Mr. Hogan has demonstrated that his EMT practice merits it. However, at the time that Mr. Hogan was a candidate for the position of Firefighter-EMT, Dr. Durkin determined otherwise, precluding Ludlow from hiring Mr. Hogan.

Conclusion

For the above stated reasons, Ludlow had reasonable justification to bypass Mr. Hogan. Therefore, Ian Hogan's appeal filed under Docket No. G1-13-242 is hereby *denied*.

Civil Service Commission

/s/ Cynthia A. Ittleman

Cynthia A. Ittleman
Commissioner

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on July 9, 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)(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 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:

Amy E. Doherty, Esq. (for Appellant)

Stanley L. Weinberg, Esq. (for Respondent)

John Marra, General Counsel (HRD)