

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

BRYAN JACKSON, Jr.

Appellant

v.

CITY OF WORCESTER,

Respondent

Case No.: G1-12-269

ORDER OF DISMISSAL

On April 18, 2012, the Appellant, Bryan Jackson, Jr., received notice from the City of Worcester (City) that he was being bypassed for appointment for the position of permanent full-time firefighter. The notice contained the reasons for bypass and the required language informing Mr. Jackson of his right to file an appeal with the Civil Service Commission (Commission) within sixty (60) days.

On September 10, 2012 (postmark date), over one-hundred twenty (120) days after receiving the bypass notice, Mr. Jackson filed an appeal with the Commission.

A pre-hearing conference was held at the offices of the Commission on October 16, 2012, which was attended by Mr. Jackson, counsel for the City and a representative of the Worcester Fire Department. Mr. Jackson did not have any explanation for the late appeal other than personal oversight.

On June 8, 2000, the Commission adopted a bypass statute of limitations that requires bypassed candidates to file their appeal with the Commission within sixty (60) days of receiving the notice of bypass. Since Mr. Jackson's appeal was not received within this sixty-day time period, his appeal under Docket No. G1-12-269 is *dismissed*.

Civil Service Commission

Christopher C. Bowman
Chairman

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, Marquis, McDowell and Stein, Commissioners) on October 18, 2012.

A True Record. Attest:

Commissioner

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:

Bryan Jackson, Jr. (Appellant)

William Bagley, Jr., Esq. (for Respondent)

John Marra, Esq. (HRD)