

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

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

ERIK JEWETT,
Appellant
v.

Case No.: D-14-198

CITY OF WALTHAM,
Respondent

ORDER OF DISMISSAL

On August 12, 2014, the Appellant, Erik Jewett (Mr. Jewett), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Waltham (City) to suspend him for ten (10) hours.

On September 30, 2014, I held a pre-hearing conference that was attended by counsel for the City, Mr. Jewett, and Mr. Jewett's union representative.

Based on the documents submitted and the statements of the parties, it is undisputed that Mr. Jewett was notified of his ten (10)-hour suspension on August 6, 2014. The third paragraph of the notification stated in relevant part: "You may, within forty-eight hours after receipt of this notice, file a written request for a hearing before me or my designee on the issue of whether there was just cause for this action."

It is undisputed that Mr. Jewett did not request a hearing from the City, but, rather, submitted an appeal directly to the Commission.

Before filing an appeal with the Commission, individuals who are suspended for five (5) days or less must first request a hearing with the Appointing Authority and said request must be made within forty-eight (48) hours. G.L. c. 31, § 41. See also Hurley v. City of Lynn, 23 MCSR 252 (2010).

Since Mr. Jewett did not request a hearing before the Appointing Authority, the Commission lacks jurisdiction to hear this appeal. For this reason, Mr. Jewett's appeal under Docket No. D-14-198 is hereby *dismissed*.

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 January 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)(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:
Nelson Carneiro (for Appellant)
Bernadette Sewell, Esq. (for Respondent)