

**COMMONWEALTH OF MASSACHUSETTS  
CIVIL SERVICE COMMISSION**

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

**CHARLES A.  
CROWLEY,**

*Appellant*

v.

**HUMAN RESOURCES  
DIVISION,**

*Respondent*

**Case No.:** B1-14-281

**DECISION**

On December 1, 2014, the Appellant, Charles Crowley (Mr. Crowley), filed an appeal with the Civil Service Commission (Commission) related to training and experience credit as part of the 2014 civil service examination for firefighter.

On December 16, 2014, I held a pre-hearing conference which was attended by Mr. Crowley and counsel for HRD. HRD filed a Motion to Dismiss prior to the pre-hearing conference. I provided Mr. Crowley with ten (10) days to file a reply and he did not do so.

It is undisputed that Mr. Crowley took and passed the written portion of the examination for original appointment to the position of firefighter, administered on April 28, 2014. Exam takers may apply to receive credit for employment or experience in the position of firefighter. According to the exam instructions, “All claims must be verified by supporting documentation, which must provide specific details of any employment or experience you have in the examination title as the result of service on a city or town fire force, including dates of service and number of hours worked per week .... Claims must be submitted during the application period; supporting documentation may be submitted by email, at the examination site, or submitted by certified mail which must be postmarked within 7 calendar days of the written examination.” (emphasis added)

Mr. Crowley claimed the experience and education credit on the date he took the examination (April 28, 2014) and subsequently submitted a letter from the Northwood, NH Fire and Rescue Department. The letter dated, January 14, 2014, stated in its entirety:

“To whom it may concern,

This letter is to document the experience that Charles A. Crowley has received as a firefighter for the Northwood Fire-Rescue. Charlie joined the department immediately upon attaining the age of 18, following approximately 4 years as an explorer. During his time as a firefighter, he has attended multiple training sessions, both within the department and from outside sources, as well as having responded

to a multitude of various emergency incidents, working both as a firefighter and as an EMT providing medical care and transport to a local hospital. To date, his activity has involved over 280 hours of time given to his Community here in Northwood. When we understand that he has changed his residence to Chelsea, we do still see him occasionally and welcome him when he is able to assist us.

If I can be of any further assistance, please do not hesitate to contact (sic) me.”

The letter did not include Mr. Crowley’s dates of service and/or the number of hours worked per week. For this reason, HRD did not award Mr. Crowley and training and experience credit toward the April 28, 2014 examination.

On November 14, 2014, HRD notified Mr. Crowley of his examination score via email, including their determination regarding the training and experience credit. Included in this communication was Mr. Crowley’s appeal rights, which stated in relevant part, “Section 22 of chapter 31 of the General Laws provides that you may submit in writing a request for a review of the scoring of your Employment / Experience to: Human Resources Division, Test Administration Unit, One Ashburton Place, *Room 301*, Boston, MA 02108. Your request must be postmarked no later than 17 calendar days after the mailing of this notice. No new claim(s) may be submitted at this time, and only additional clarifying information specific to a claim made prior to the statutory deadline will be reviewed.” (*emphasis added*)

On December 1, 2014, exactly seventeen (17) days after the exam results were sent to him, Mr. Crowley hand-delivered an appeal to the *Civil Service Commission*, One Ashburton Place, *Room 503*, Boston, MA 02108. According to Mr. Crowley, he delivered his appeal to Room 503 based on a directory in the lobby of One Ashburton Place that stated: Civil Service Commission: Room 503. Attached to his appeal form was a detailed list of hours worked at the Northwood, NH Fire and Rescue Department.

As part of the normal docketing / scheduling process, the Commission forwarded a copy of Mr. Crowley’s appeal to HRD on December 5, 2014.

HRD argues that Mr. Crowley failed to file a timely appeal under Section 22 *with the correct reviewing agency*. Mr. Crowley, in his statements at the pre-hearing conference, argued that he simply went to the wrong office, based on a confusing lobby directory.

Based on the unique circumstances here, I believe it would be inconsistent with the overall concept of basic merit principles, not to mention equity and good conscience, to deem Mr. Crowley’s appeal as untimely, simply because he hand-delivered it to Room 503, instead of Room 301, in the same state office building.

For this reason, Mr. Crowley’s appeal is *allowed*. His appeal to HRD is deemed as timely and HRD shall process his appeal in the same manner as other timely appeals related to training and experience credits.

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:

Charles A. Crowley (Appellant)

Patrick Butler, Esq. (for HRD)