

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

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

JONATHEN PARISI,
Appellant

v.

B1-17-237

HUMAN RESOURCES DIVISION,
Respondent

Appearance for Appellant:

Pro Se
Jonathen Parisi

Appearance for Respondent:

Melissa Thomson, Esq.
Human Resources Division
One Ashburton Place: Room 211
Boston, MA 02108

Commissioner:

Christopher C. Bowman

ORDER OF DISMISSAL

1. On November 10, 2017, the Appellant, Jonathen Parisi (Mr. Parisi), filed an appeal with the Civil Service Commission (Commission), contesting the marking of the written, multiple choice section of a civil service police officer examination, administered by the state’s Human Resources Division (HRD) on March 25, 2017.
2. Mr. Parisi’s appeal form stated in part: “I contacted HR[D] after receiving a score of zero ... By looking at my answer sheets you will see no markings on the written ability portion on page 1. I answered all of the questions on the second page in the corresponding numbers. I believed it was part of the test as the proctor of the exam directed the test takers to keep all of the answers on one page. I believe my exam could be scored. Please grant me a hearing.”
3. On December 5, 2017, I held a pre-hearing conference which was attended by Mr. Parisi and counsel for HRD.
4. As part of the pre-hearing conference, it was confirmed that Mr. Parisi failed to fill in any portion of the answer sheet for the forty-eight (48) questions in the “Written Ability Test” Section of the examination. Rather, after answering the one hundred (103) questions in the “Work Styles Questionnaire” Section, he proceeded to record his answers for the above-referenced forty-eight (48) questions in the “Work Styles Questionnaire” Section. For

example, instead of recording the answer for Question 1 on the “Written Ability Test” on the “Written Ability Test” section of the scoring sheet, Mr. Parisi recorded his answer on the answer sheet next to “104” on the “Work Styles Questionnaire” Section. (Although there are only 103 Work Styles Questionnaire questions, the answer sheet allows for responses up to a potential 224 questions.

The Commission does not have jurisdiction over appeals related to the scoring of multiple choice questions on a civil service examination. See G.L. c. 31, ss.22-24 and Hickey v. Civ. Serv. Comm’n & Human Resources Div., 60 Mass.App.Ct. 1104, 799 (2003) (Unpublished Decision), upholding a Superior Court Decision in which the Superior Court affirmed a Commission decision dismissing a multiple choice-related appeal based on a lack of jurisdiction.) Even if such jurisdiction existed, a review of all the relevant information shows that Mr. Parisi has no reasonable expectation of showing that he is an aggrieved person (i.e. – harmed through no fault of his own.)

For these reasons, Mr. Parisi’s appeal under Docket No. B1-17-237 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Stein and Tivnan, Commissioners) on March 15, 2018.

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 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. 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:
Jonathen Parisi (Appellant)
Melissa Thomson, Esq. (for Respondent)