FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Michael D.J. Skurat, Complainant against)	Final Decision
)	
	,	Docket #FIC78-75
	,	June 28, 1978
Town of Wallingford; and the Director, Personnel Department)	
of the Town of Wallingford, Respondents)	
)	

The above captioned matter was heard as a contested case on May 31, 1978, at which time the complainant and the respondents appreared, stipulated to certain facts, and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

- 1. The respondents are public agencies as defined by §1-18a(a), G.S.
- 2. By letter dated April 12, 1978, the complainant requested from the respondent director the raw and final test score of each individual who participated in an open competitive examination for the job of Supervisor of Training in the respondent town.
- 3. By same letter, the complainant further requested the qualifications, experience and training of each such individual.
- 4. The respondent director denied the requested information by letter dated April 13, 1978.
- 5. From such denial, the complainant filed the present complaint with the Commission on April 20, 1978, by letter dated April 19, 1978.
- 6. Eleven persons took such examination for employment, out of which six were actively considered for the position, including the complainant herein.
- 7. The respondent director has provided the complainant with access to the requested information as to all six individuals so considered.
- 8. The sole question to be decided, therefore, is whether or not the requested information is required to be disclosed as to the five remaining individuals who were never actively considered for the position.

- 9. There are presently two actions before the courts of this state which raise the legal issue of whether or not the persons who are permitted to take such examination were also first required to meet the minimum qualifications for the position. Both the complainant and the respondents herein are parties to those actions.
- 10. The requested records here in issue are therefore exempt from disclosure under §1-19(b)(3), G.S., as affecting the rights of litigants under the laws of discovry of this state.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

l. The complaint if hereby dismissed because disclosure may affect the rights of litigants under the laws of discovery of this state.

Commissioner Helen Lov

Chairman

Approved by order of the Freedom of Information Commission on June 28, 1978.

Mitchell Pearlman

Acting Clerk of the Commission

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