

**State of Connecticut  
Department of Labor  
State Board of Mediation**

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**In the Matter of:** : **Case No. 2018-A-0299**  
**City of Milford** : **Hearing Dates: April 13, 14,**  
**July 6, 21, and August 17, 2022**

**and**

**IAFF, Local 994, AFL-CIO-CLC**

**Award Date: March 8, 2023**

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**ARBITRATION AWARD**

**ARBITRATION PANEL:**

**Patrick E. Daly, Esq.**  
**Kenneth Baldyga**  
**Stephen Ferrucci, III**

**Public Member, Chair**  
**Management Member**  
**Labor Member**

**Appearances:**

**Debra S. Kelly, Esq.**  
**City of Milford**  
**John M Walsh, Jr., Esq.,**  
**Local 944**

**ISSUE:**

Did the City of Milford, hereinafter the City or the Employer, have just cause to terminate Mathew LaVecchia, herein LaVecchia or the Grievant? If not, what shall the remedy be?

**FACTS:****Background**

Mathew LaVecchia was hired by the City as a firefighter in 2008. At the time, the Grievant's father, Louis LaVecchia was the Milford Fire Chief. In 2016, LaVecchia was promoted to the position of Assistant Superintendent of Apparatus. As such LaVecchia's primary duties were to perform basic maintenance and mechanical work on Fire Department apparatus. Although it appears that he did not work as a line firefighter after his 2016 promotion, he apparently was available to perform such work as needed.

**Events Leading to Termination**

On Friday evening, February 2, 2018, LaVecchia was involved in an altercation at Citrus, a bar and restaurant in Milford. LaVecchia was not on duty at the time of that altercation.

Prior to coming to the Citrus bar that evening, LaVecchia had one or more drinks at his home with friends as was his practice. At some time after he arrived at the Citrus, he approached Haroon Ramzan, an individual he knew from high school. At the time, Ramzan was seated at the bar to be joined by two friends, Tony Ly and Uday Rajaram. Ramzan was seated at the bar between two sisters, Kim and Shelly.

Initially, LaVecchia stood talking with some friends a short distance from the bar. LaVecchia then approached Ramzan from behind and reached around and squeezed his hand hard enough to cause Ramzan some pain. Although Ramzan asked LaVecchia to leave him alone, he didn't; instead he grabbed Ramzan's right arm and twisted it. As Ramzan pulled his arm from LaVecchia's grasp, he struck Kim in the back. Shortly thereafter, Ramzan knocked a drink from LaVecchia's hand, apparently after being provoked by LaVecchia's conduct toward him. This

appears to be the known extent of exchanges between Ramzan and LaVecchia as the latter walked away from Ramzan, who remained in the bar. Shortly thereafter, Ly and Rajaram arrived at the Citrus and joined Ramzan at the bar. While there, Ramzan told them what had transpired between him and LaVecchia.

About 30 minutes later, Ramzan went to the men's room shortly followed by LaVecchia. Apparently concerned by LaVecchia's actions, Ly followed Ramzan as well. While Ramzan was using a urinal, LaVecchia who had entered an adjacent stall, began to urinate on or close to Ramzan's right foot. Wanting to know why he had done that, Ramzan waiting until LaVecchia came out of the stall, and confronted him asking why he urinated on his foot. Ly witnessed LaVecchia's actions in this regard.

LaVecchia's response was not to question Ramzan's accusation. Rather he pushed Ramzan in the chest and then punched him in the face, striking him on the head and face as many as 7 times, causing Ramzan to fall to the floor. These blows resulted in Ramzan's nose being broken and/or seriously bloodied as well as facial lacerations, which would require medical treatment.

Ly witnessed LaVecchia's continuing assault on Ramzan, who had been knocked to the floor of the men's room by LaVecchia. Seeing this, Ly went to Ramzan's aid and yelled at LaVecchia to stop his attack on Ramzan while pulling him off the latter. This he did, and LaVecchia quickly left the men's room, paid his bar bill and left the Citrus bar.

Shortly thereafter, police arrived at the Citrus bar and took sworn statements from Ramzan and Ly. Ramzan was taken to Milford Hospital where he was treated for his injuries.

Following the police investigation of the events of February 2, LaVecchia was arrested on February 14 for disorderly conduct and assault in the second degree. As a consequence, LaVecchia was placed on desk duty by the Fire Department, effective February 15.

Thereafter, LaVecchia was charged with Assault in the 2<sup>nd</sup> Degree, a Class-D felony and Breach of Peace in the 2<sup>nd</sup> Degree, a Class B misdemeanor.

Under Connecticut criminal statutes, Section 53a-60, "a person is guilty of assault in the second degree when ... with intent to cause serious physical injury to another person, the actor causes such injury to such person ...."

#### Prior Discipline

This was not the first time that LaVecchia had been charged with a crime. In August 2010, LaVecchia was charged in having engaged in 4<sup>th</sup> degree larceny and conspiracy to commit larceny. These charges were based on LaVecchia conspiring with a checkout clerk at a Loew's store to steal construction tools valued in the hundreds of dollars, i.e., a DeWalt drill and batteries, an oak cabinet and a Surefire tactical flashlight, purchased during the course of two transactions within an hour of each other. To accomplish this, LaVecchia pretended to be purchasing a nominally priced item, a 98 cent sharpie pen, which was scanned by his Loew's co-conspirator, who was given \$40 in cash, an amount significantly less than the value of the items Lavecchia was ostensibly purchasing, almost \$600. The Loew's clerk pocketed the cash given to him by LaVecchia. These transactions were recorded by the store's video surveillance CCTV. When arrested for these crimes LaVecchia admitted to the arresting officer that he knew he was doing wrong in engaging in the theft from Loew's.

LaVecchia avoided trial for his crime only by successfully applying for Accelerated Rehabilitation. He did not, however, avoid public approbation. More importantly, his criminal conduct brought public reproach on the Fire Department as evidenced by reports in the local press, which described the venal nature of such conduct. In this regard, one local newspaper, the "Milford Mirror" reported the details of LaVecchia's crime, and the fact that he was not only employed as a Milford firefighter but that his father was then Fire Chief.

Following the disposition of the criminal charges, Robert Healey, Assistant Chief – Operations for the Milford Fire Department, found LaVecchia's criminal conduct in violation of three Departmental Rules, 20, 36 and 49 and reduced him in rank one grade from step 3 to step 2 for 52 weeks, after which LaVecchia would return to the higher grade at his former rate of pay. More importantly, LaVecchia was advised and understood at that time that should he become "involved in any similar

occurrences, further disciplinary action will be taken up to and including termination.”

#### The Decision to Terminate LaVecchia

A hearing was held before the Milford Board of Fire Commissioners on April 19, 2018, to consider Fire Department recommendations as to the appropriate actions to be taken against LaVecchia on account of his conduct on February 2, 2018. Present at this hearing were Commission Chair Kevin McGrath, and four other Commission members, Fire Chief Edo, Assistant Fire Chiefs Gary Baker and Bernie Begley, then Assistant City Attorney Debra Kelly, Local Union Vice President Heenan, as well as LaVecchia and his attorney, John Walsh.

At this hearing, Fire Chief Edo advised the Fire Commission members that, after an investigation of LaVecchia’s conduct, primarily conducted by the Milford Police Department, he concluded that LaVecchia violated Fire Department General Rules and Regulations 20, 36, 49 and 38. Chief Edo further concluded that since LaVecchia had previously violated Rules 20, 36, and 49 by engaging in larceny and conspiracy to commit larceny in 2010, and the resultant disrepute such actions brought upon him and the Fire Department in the local community, LaVecchia’s misconduct in February 2018 constituted a repeat offence of specific Department Rules. Chief Edo then concluded that such repeat offence provided just cause to terminate LaVecchia. After Attorney Walsh responded to Chief Edo’s conclusion on behalf of LaVecchia, and brief rebuttal comments by Chief Edo, the Fire Commission went into Executive Session to consider Chief Edo’s recommendation.

After considering the arguments and documentary evidence presented to it, the Commission concluded that just cause existed to terminate LaVecchia on account of his conduct on February 2. In so concluding, the Chairman McGrath noted four main factors that supported the Commission’s determination: (1) the arrest warrant dated February 8, 2018 in which a Connecticut judge determined that the Milford police investigation of LaVecchia’s conduct at the Citrus Bar and Restaurant on February 2, 2018 supported a finding of probable cause to believe that he committed Felony Assault and Breach of Peace; (2) that in engaging in such conduct, LaVecchia violated Fire Department General Rules and Regulations 20, 36,

49 and 38; (3) such conduct constituted a repeat violation of Rules 20, 36, and 49; and (4) that LaVecchia was on notice that disciplinary action up to and including termination “will be taken” for any similar violations.

### **The Union’s Position**

In its post hearing brief, the Union contends that the Employer failed to establish that just cause existed for it to terminate LaVecchia. It made several claims in support of this contention. Thus, the Union contended that the Fire Department and Chief Edo failed to investigate the events and circumstances occurring on February 2 before administering discipline on LaVecchia. Among the claims made in this regard was that it failed to interview the onsite police officer who had spoken to witnesses and reviewed body camera video of LaVecchia’s conduct toward Ramzan in the bar prior to their going to the men’s room. However, Chief Edo had no reason to believe that the police investigation of the events of February 2 did not accurately reflect what had happened. Indeed, the judicial acceptance of such police reports as a basis for an arrest warrant for LaVecchia for his actions at the Citrus bar more than supports Edo’s action in relying on them.

The Union also contends that statements of Ramzan and Ly, upon which the police investigation heavily relied contained “numerous inconsistencies.” In support of this claim, inter alia, that Ramzan’s and Ly’s admitted friendship should adversely impact the veracity of their sworn statements. Indeed, LaVecchia referred to Ramzan as having been a friend from high school. However, an assertion of friendship, without more, does not require a finding of lack of credibility. Thus Ramzan’s assertion that LaVecchia urinated on his right foot, whereas Ly stated that he tried to do so is not enough to support the Union’s credibility claim. Such different descriptions must be examined as to whether they are, in fact, materially at odds with each other or merely a slightly different expression of essentially the same fact. In the instant case, both statements describe a hostile action by LaVecchia towards Ramzan that quickly led to physical attack. Indeed, such slightly different expressions of the same observed action tends to lend credence to them more than identical statements.

In the same vein, Ramzan's statement that LaVecchia had struck him at least seven times whereas Ly reported four. Since the number of blows struck is not at issue, this difference is immaterial. What is material is that LaVecchia, as the aggressor, punched Ramzan numerous times so as to knock him to the floor, falling on top of him, while causing several injuries to Ramzan's head and face which warranted medical attention.

Contrast the foregoing with the Union's further claims that Ramzan, in his statement, failed to mention that he [Ramzan] was the aggressor knocked a glass out of LaVecchia's hand in the bar or that he pushed LaVecchia back while in the men's room. However, the credible evidence, including that of the Citrus bar CCTV, viewed by the police in its investigation, demonstrated that LaVecchia was the aggressor throughout his interactions with Ramzan. Thus, it was LaVecchia who approached Ramzan at the bar unseen, and initiated contact with him.

Indeed, LaVecchia's testimony at the hearing provides a more apt description of lack of credibility. Thus, at the hearing he tried to explain away the discipline he received in 2010 by claiming he had not engaged in wrong doing at all as he thought that the reduced price paid for construction materials was a result of a Veteran's discount. Apart from being nonsensical, this statement was starkly at odds with his admissions of guilt in that earlier disciplinary proceeding, and in which he never raised such a wild-eyed defense. A starker representation of material statements lacking in credibility can hardly be imagined.

However true it may have been that Ramzan knocked a drink from LaVecchia's hand during this initial encounter, such action was preceded by the latter's aggressive action in approaching Ramzan while seated at the bar and squeezing his hand and pulling back his arm. Whatever the propriety of Ramzan's actions in this regard might be, police review of Citrus CCTV resulted in a conclusion that LaVecchia's initial conduct toward Ramzan was aggressive in nature, to which Ramzan was only responding. The fact that LaVecchia walked away was not dispositive as to his aggressive intent. Rather it more likely demonstrated an intent to wait and watch for an opportunity to retaliate, which he did in following Ramzan

into the men's room about 30 minutes later where he took his revenge out of sight of those in the bar with little in the way of witnesses in the men's room.

The more important question in this case is whether LaVecchia, on February 2, 2018, acted in a manner that tended to bring reproach or reflected badly on the Milford Fire Department or its uniform in violation of Rule 20 of the Fire Department Rules and Regulations. Under any analysis of the events of that date, it is clear that LaVecchia's conduct did so.

Having so decided the only remaining question is whether his misconduct on that date rose to the level of being an occurrence similar to that described in the imposition of discipline for violating Departmental Rules and Regulations as described in Assistant Chief Robert Healey's to him, dated August 10, 2010.

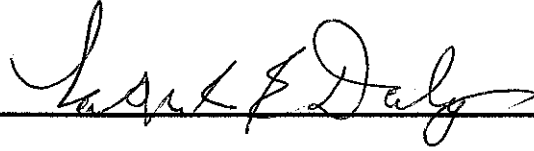
Upon consideration of all the evidence submitted in this case, a majority of the Panel has concluded that it is. In both cases, LaVecchia engaged in criminal conduct while off duty that became known to the general public that then tended to, and in fact did, bring reproach or reflection, on the Milford Fire Department or its uniform. Indeed, the conduct of LaVecchia at issue in the instant case is far worse. Thus it not only involved conduct that resulted in criminal charges, it resulted in a criminal conviction for felonious assault and a suspended sentence of nine months, and three years probation.

LaVecchia surely was aware that his aggressive actions in a bar, where he was known to be an employee of the Milford Fire Department, would tend to reflect badly on him as a uniformed member of the fire department and put his job at risk, given the warning he received in August 2010.



**DECISION AND AWARD:**

Based on the foregoing, a majority of the Arbitration Panel concluded that the City had just cause to terminate the Grievant.



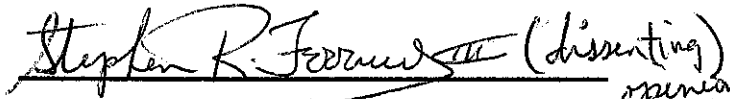
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**Patrick E. Daly, Public Member, Chair**



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**Kenneth Baldyga, Management Member**



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**Stephen R. Ferrucci, III, Labor Member**

*opinion  
attached*

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## DISSENTING OPINION

CASE # 2018-A-0299

I, Stephen R. Ferrucci III, Labor Panelist do not share the same opinion as the majority panelists.

I believe the biggest problem with this case is that the Fire Commission in its duty as an appeal part of the grievance procedure acted more like a “rubber stamp” for the Chief’s recommendation then making an independent judgement.

Basically, there was plenty of testimony given that this incident was based on alcohol impairment, and that the appellant was intoxicated at the time of this incident, which is currently considered as a treatable medical condition. There was no testimony the Fire commission considered sending the appellant to an alcohol rehab program under an EAP program. In fact, testimony was presented that in the past firefighters were arrested for drunk driving, and in one case one firefighter was arrested for DUI **twice**. He was allowed to go to an alcohol rehab course and returned to work as a driver with only a verbal warning.

It is true there were different Chiefs during these other incidents, but the Fire commission has access to all the records, and it should be in the minutes of their meetings.

In weighting their decision, they should be looking back in their records to see what discipline was given for similar incidents by previous commissions.

As stated previously, they are part of the appeal process in a contractual grievance procedure and need to do that job, not just be a rubber stamp for the Chief’s recommendation.

This investigation by the Fire Commission was flawed, and that is the basis of my objection.

Stephen R. Ferrucci III, Labor Panelist