IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sean M. Donahue, Petitioner	:	
v.	:	
PA Department of Human Services, PA Governor's Office of Administration, and the Pennsylvania State Civil Service Commission, Respondents	:	No. 69 M.D. 2025
	:	Submitted: July 24, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM FILED: November 18, 2026

Sean M. Donahue (Petitioner) has filed a pro se Petition for Review (Petition) in this Court's dual jurisdiction seeking appellate relief (Appellate Relief Petition), injunctive relief (Injunctive Relief Request), and mandamus relief (Mandamus Relief Request). Before this Court are: (1) Petitioner's appeal(s) from the Pennsylvania State Civil Service Commission's (SCSC) January 22, 2025 order(s) dismissing Petitioner's appeal(s);[1] (2) the Pennsylvania Governor's Office of Administration's (OA) preliminary objections to Petitioner's Injunctive and Mandamus Relief Requests (Preliminary Objections); and (3) the Department of Human Services' (DHS) Application for Summary Relief (Application). After review, this Court: (1) affirms SCSC's January 22, 2025 order(s); (2) overrules in part and sustains in part OA's first Preliminary Objection and dismisses Mandamus Request Two, sustains OA's second Preliminary Objection and dismisses

[1] The SCSC orders are dated January 15, 2025, but were issued January 22, 2025. Although Petitioner specifies that he is appealing from SCSC's January 22, 2025 order dismissing appeal number 31507, in the Petition he refers to 13 identical SCSC January 22, 2025 orders. *See* Petition at 13.

Mandamus Request One, sustains OA's third Preliminary Objection and dismisses Mandamus Requests Three, Four, and Five against OA; and (3) grants the Application and dismisses the Petition.

Background[2]

By November 12, 2024 email, OA informed Petitioner that his name would be removed from the Spanish speaking eligibility list for Income Maintenance Caseworker (IMCW) positions because he declined to participate in the required Spanish speaking proficiency evaluation. *See* Certified Record (C.R.) at 14.[3] By separate email that same day, OA notified Petitioner that he did not meet the selected criteria to be considered eligible for the IMCW (bilingual Spanish) position. *See id*. By November 27, 2024 email, OA informed Petitioner that his name would be removed from the IMCW eligibility list due to his removal from his IMCW position for not passing his probationary period and unsatisfactory performance.[4] *See* Petition at 56. Thereafter, Petitioner filed numerous complaints with SCSC regarding the above-stated removal and ineligibility notifications. By December 4, 2024 letter, SCSC apprised Petitioner that appeals regarding other actions identified

[2] The facts are derived from the certified record and the Petition.

[3] Because the certified record pages are not numbered, this Court references electronic pagination herein.

[4] Apparently, Petitioner was also removed from the lists after being fired from a position wherein he was a DHS probationary employee who received a poor Employee Performance Review. Although there are no allegations regarding the specific notice in the Petition, there is a November 27, 2024 email from OA to Petitioner attached to the Petition wherein OA communicated that Petitioner is being removed from the eligibility list for IMCW due to Petitioner's removal from his IMCW position for not passing his probationary period and unsatisfactory performance. *See* Petition at 56. Because the pages of the attachments are not numbered, this Court references electronic pagination herein.

on the Appeal Request Form should be filed separately. *See* Reproduced Record (R.R.) at 21a.

On December 9, 2024, Petitioner filed 12 separate complaints with SCSC concerning DHS's and OA's removal of his name from all civil service lists, statewide, for IMCW positions. *See* Petition ¶ 4; *see also* Petition Attachment (Attachment) B at 40-181; Attachment C at 182-290. On December 26, 2024, Petitioner filed an additional SCSC complaint. *See* Petition ¶ 5; *see also* Attachment C at 290-295. On January 22, 2025, SCSC issued 13 identical orders denying Petitioner's appeals. *See* Petition ¶ 6; *see also* Attachment A.2 at 3-16. On January 22, 2025, SCSC issued seven additional orders in which it denied seven other related Petitioner appeals. *See* Petition ¶ 45. SCSC denied all of Petitioner's appeals because Petitioner checked more than one block on the appeal forms under "[t]ype of action being appealed." Petition ¶ 46; Attachment E at 494-501.

On February 21, 2025, Petitioner filed the Petition seeking: (1) appellate review of SCSC's January 22, 2025 orders, *see* Petition ¶ 34; *see also* Attachment A.1 at 2; Attachment A.2 at 3-16; (2) an injunction prohibiting DHS and OA from filling positions through job announcements CS-2024-11423-44720 and CS-2024-11606-44720 until such time that Petitioner's name is returned to the hiring lists for those positions (Injunctive Relief/Mandamus Request One),[5] *see* Petition ¶ 47; (3) an injunction prohibiting DHS and OA from applying his list removal to IMCW positions outside the Hazleton County Assistance Office (CAO), particularly those that Petitioner applied to in response to job announcements CS-2024-11423-44720, CS-2024-13430-44720, CS-2024-12941-44720, and CS-2025-15800-44720, *see* Petition ¶ 49 (Injunctive Relief/Mandamus Request Two); (4) this Court to quash and expunge the Employee Performance Review (EPR) upon which DHS and OA

[5] Although Petitioner seeks injunctive relief, he defines it as Mandamus Relief in his Petition. For the sake of consistency, this Court will refer to it as both.

based their removal of his name from civil service lists (Mandamus Request Three), *see* Petition ¶ 51; *see also* Attachment D at 309-319; (5) a writ of mandamus directing DHS and OA to remove Michael Hadzick from Commonwealth of Pennsylvania (Commonwealth) employment (Mandamus Request Four), *see* Petition ¶ 57; and (6) a writ of mandamus directing DHS and OA to remove Stephanie Rivas from Commonwealth employment (Mandamus Request Five), *see* Petition ¶ 63.

On March 24, 2025, OA filed its Preliminary Objections to Petitioner's Injunctive and Mandamus Relief Requests, alleging therein: (1) sovereign immunity relative to Mandamus Requests One and Two (First Preliminary Objection); (2) a demurrer relative to Mandamus Requests One and Two (Second Preliminary Objection); and (3) a demurrer relative to Mandamus Requests Three, Four, and Five (Third Preliminary Objection). On August 26, 2025, DHS filed its Application, averring therein: (1) this Court lacks original jurisdiction due to Petitioner's failure to exhaust statutory remedies; (2) Petitioner failed to satisfy injunctive relief criteria; and (3) Petitioner failed to meet the required elements for mandamus relief.

Appellate Relief[6]

Petitioner argues that SCSC violated his constitutional and statutory due process rights by not holding a hearing and dismissing his case simply because he checked more than one box in Block No.1, *Type of Action Being Appealed*, in his SCSC Appeal Request Forms. SCSC rejoins that it properly denied Petitioner a hearing because it informed Petitioner how to properly appeal relative to multiple complaints, SCSC provided Petitioner ample time to correctly file his appeals, and

[6] "This Court's review of a[n SCSC] adjudication is limited to determining whether necessary findings of fact are supported by substantial evidence, whether an error of law has been committed[,] or whether constitutional rights have been violated." *Pa. Game Comm'n v. State Civ. Serv. Comm'n (Wheeland)*, 219 A.3d 1257, 1264 n.3 (Pa. Cmwlth. 2019).

Petitioner failed to follow SCSC's instructions. DHS retorts that SCSC has wide discretion in determining whether an Appeal Request Form has been properly filed and whether to grant a hearing. DHS asserts that SCSC did not abuse its discretion by dismissing the 20 separate appeals Petitioner filed, and refiled, incorrectly, despite SCSC having twice provided him with specific instructions regarding how to properly do so.

Initially, former Section 105.12 of the SCSC Rules provided, in relevant part:[7]

> Requests
>
> . . . .
>
> (b) The person appealing shall state clearly and concisely the:
>
> (1) Grounds of the interest of the person in the subject matter.
>
> (2) Facts relied upon.
>
> (3) Relief sought.
>
> (c) Appeals alleging discrimination which do not include specific facts relating to discrimination may be dismissed. Specific facts which should appear on the appeal form include:
>
> (1) The acts complained of.
>
> (2) How the treatment differs from treatment of others similarly situated.
>
> (3) When the acts occurred.

[7] On August 16, 2025, former Section 105.12 of the SCSC Rules, *former* 4 Pa. Code § 105.12, was reserved and replaced by Section 105.12a of the SCSC Rules. Former Section 105.12 of the SCSC Rules was effective at the time Petitioner filed his Requests for Appeal. The relevant portions of Section 105.12a of the SCSC Rules, 4 Pa. Code § 105.12a, are virtually identical to the relevant portions of former Section 105.12 of the SCSC Rules.

> (4) When and how the appellant first became aware of the alleged discrimination.
>
> (d) Acceptance of an amendment to an appeal is solely at the discretion of [SCSC].

Former 4 Pa. Code § 105.12.

This Court has explained:

> As a fundamental precept in litigation, one must "adequately" plead a claim or cause of action. **A failure to so do can**, **and typically does**, **result in the dismissal of the claim and/or cause of action**. . . . . The SCSC Rules. . . , specifically Section 105.12[] [of the SCSC Rules], address this adequacy of pleading issue within the context of the needed "specificity" when there are claims of employment discrimination raised in SCSC appeals. . . . . [T]he requirements of the [SCSC Rules] are quite explicit in that regard.

Allen v. State Civ. Serv. Comm'n, 992 A.2d 924, 927 (Pa. Cmwlth. 2010) (footnote omitted; emphasis added). "[SCSC] is authorized to dismiss an appeal, *sua sponte*, without a hearing if the appeal request form fails to state a claim." *Reck v. State Civ. Serv. Comm'n*, 992 A.2d 977, 979 (Pa. Cmwlth. 2010).

Here, after OA informed Petitioner that he had been removed from the IMCW Spanish speaking eligibility list, *see* C.R. at 14, was not eligible for the IMCW (bilingual Spanish) position, *see id.*, and was removed from the IMCW eligibility list, *see* Petition at 56, Petitioner filed numerous complaints with the SCSC regarding the removal and ineligibility notifications. By December 4, 2024 letter, SCSC notified Petitioner, in pertinent part:

> You filed an Appeal Request Form (appeal) with the [SCSC] which was received on December 1, 2024. On the appeal you indicated that you are appealing multiple actions. [SCSC] will consider the claims related to your list removal from [IMCW] (CSSC-2024-11-44720).[8] Any additional information/documents you wish to

[8] This particular action is not included in the Petition or the original record.

> include for this appeal[] must be received on or before December 11, 2024. Anything received after that deadline will not be considered during [SCSC's] review of your list removal appeal. . . .
>
> Additionally, **appeals regarding the other actions identified on the Appeal Request Form should be filed separately**. Therefore, [**SCSC**] **is requesting that you complete and return a separate Appeal Request Form for every other action you listed on your Appeal Request Form that you wish to challenge**, along with supporting documents for each. For an action to be considered filed separate[,] [sic] it should be the only appealable action marked under the action being appealed. . . .

R.R. at 21a (original emphasis omitted; emphasis added).

On December 9, 2024, Petitioner filed, *inter alia*,[9] an Appeal Request Form stating in Part I that "DHS wrongly removed [Petitioner] from all civil service lists[,]" and "DHS [m]aliciously [c]ircumvent[ed] Veteran[']s [p]reference[.]" R.R. at 44a. In Part II, under "Check Applicable Box[,]" Petitioner checked "removed[.]" R.R. at 45a (all emphasis omitted). In Part III, under *Type of Action Being Appealed*, Petitioner checked: "[r]emoval[,] [e]ligibility[,] [l]ist [r]emoval[,] [e]mployee [p]erformance [r]eview . . . [,] [r]einstatement[,] [d]enial of Veteran's preference[,] [n]on-[a]ppointment/[p]romotion to . . . [w]rongly removed from all civil lists for IMCW, and [o]ther ([e]xplain)[,]" wherein he typed: "This action proves that DHS'[s] hiring me was all just a ruse to manufacture[] this horse manure lie that I am somehow incompetent and incapable of being a civil servant. I was targeted and harassed. The administrators and supervisors who did this to me should be fired and jailed." *Id*. In Part III, under *Type of Discrimination Alleged*, Petitioner checked: "[p]olitical [o]pinions/[a]ffiliations[,] [r]ace[,] [s]ex[,] [v]iolation of Act 71 of 2018

[9] This Appeal Request Form (SCSC Appeal Number 31507) is one of the 12 that Petitioner filed on December 9, 2024. The additional 11 Appeal Request Forms are virtually identical.

[(Civil Service Act)[10]] . . . [,] [r]eligious [o]pinions/[a]ffiliations[,] [n]ational [o]rigin[,] [a]ge[,] [r]etaliation[,] [d]isparate [t]reatment[, and o]ther [n]on-[m]erit [f]actors ([e]xplain)[,]" wherein Petitioner typed:

> I was wrongly blackballed from civil service employment so that Sandra Lara can fill the office up with Puerto Rican relatives of other employees. I was fired to make room for someone else and the list removal is being imposed to keep my [V]eteran[']s preference out of the way. I am being retaliated against for filing SCSC complaints and court complaints.

Id. Petitioner included 133 pages of documents supporting his Appeal Request Form. *See* R.R. at 49a-181a.

By January 22, 2025 order, *inter alia*,[11] SCSC dismissed Petitioner's appeal, explaining:

> The appeal relates to [Petitioner's] removal, reinstatement, non-selection for appointment, eligibility, [EPR], list removal, and denial of Veterans' [sic] [p]reference with [DHS]. In this type of action, [Petitioner] has the burden of properly initiating a request for hearing before [SCSC]. 4 Pa. Code § 105.12. In written correspondence on October 2, 2024 and December 4, 2024, [SCSC] advised [Petitioner] that only one (1) action should be marked in the "[t]ype of action being appealed" box on the [A]ppeal [R]equest [F]orm. In the instant appeal, seven (7) personnel actions are checked. The request is, therefore, dismissed for failure to prosecute the appeal.

C.R. at 2193. This Court discerns no error in SCSC's reasoning. After SCSC informed Petitioner that he needed to file a separate Appeal Request Form for each

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[10] The General Assembly repealed the Civil Service Act, Act of August 5, 1941, P.L. 752, *as amended*, *formerly*, 71 P.S. §§ 741.1-741.1005, by the Act of June 28, 2018, P.L. 460, which became effective on March 28, 2019, and replaced the former Civil Service Act with the statute commonly known as the Civil Service Reform Act. The Civil Service Reform Act is now found in Title 71, Part III, of the Pennsylvania Consolidated Statutes, 71 Pa.C.S. §§ 2101-3304.

[11] This order is one of 19 identical orders that SCSC issued on January 22, 2025, dismissing Petitioner's appeals.

action he was appealing, rather than doing so, he merely filed the same virtually identical Appeal Request Form 12 times. It is beyond cavil that the above-quoted Appeal Request Form does not "clearly and concisely" state Petitioner's grounds of the interest in the subject matter, the facts relied upon, and/or the relief sought for each separate appeal as the SCSC Rules expressly required. *Former* 4 Pa. Code § 105.12(b). Because SCSC informed Petitioner that he had to file a separate appeal for each action and his Appeal Request Form improperly included numerous actions, SCSC properly dismissed Petitioner's appeals. Accordingly, SCSC's January 22, 2025 order(s) are affirmed.

OA's Preliminary Objections[12]

First Preliminary Objection

OA argues that Petitioner's request for mandatory injunctive relief is barred by sovereign immunity. Specifically, OA contends that sovereign immunity bars suits against Commonwealth parties that seek the imposition of a mandatory injunction. OA asserts that because Petitioner's requested injunctive relief

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[12] In ruling on [preliminary objections], this Court must "accept as true all well-pleaded material allegations in the petition for review and any reasonable inferences that [it] may draw from the averments." *Highley v. Dep*[*'t*] *of Transp*[.], 195 A.3d 1078, 1082 (Pa. Cmwlth. 2018). However, [this Court] [is] "not bound by legal conclusions, unwarranted inferences from facts, argumentative allegations, or expressions of opinion encompassed in the [p]etition for review." *Id*. This Court should sustain [preliminary objections] only where "the law makes clear that the [p]etitioner cannot succeed on his claim." *Id*. at 1083. "[W]here any doubt exists as to whether the [preliminary objections] should be sustained, the doubt must be resolved in favor of overruling the [preliminary objections]." [*Pa.*] *State Lodge, Fraternal Ord*[.] *of Police v. Dep*[*'t*] *of Conservation & Nat*[.] *Res*[.], 909 A.2d 413, 416 (Pa. Cmwlth. 2019).

Donahue v. Pa. Dep't of Hum. Servs., 347 A.3d 96, 101 (Pa. Cmwlth. 2025).

commands the performance of some affirmative act by Commonwealth parties (e.g., barring DHS and OA from filling two specific IMCW positions and preventing OA from applying the removal of Petitioner's name from all eligible lists for IMCW positions that are not at the Hazleton CAO), Petitioner seeks a mandatory injunction. Petitioner rejoins that OA is not protected by sovereign immunity from actions seeking mandamus and injunctive relief. Petitioner cites *Finn v. Rendell*, 990 A.2d 100 (Pa. Cmwlth. 2010), to support his position.

The *Finn* Court explained:

> [A]lthough sovereign immunity does not bar a declaratory judgment action or injunction seeking to *prohibit* state parties, *i.e.*, state agencies or employees, from acting, sovereign immunity does apply to an action seeking to *compel* state parties to act or seeking to obtain money damages or recover property from the Commonwealth; *Fawber v. Cohen*, . . . 532 A.2d 429 ([Pa.] 1987); *Stackhouse v. Pa. State Police*, 892 A.2d 54 (Pa. Cmwlth. 2006).
>
> The only exception to the rule barring mandatory injunctions against Commonwealth parties is that an action in mandamus will lie to compel a state officer or agency to perform a ministerial or mandatory statutory duty.

Finn, 990 A.2d at 105. "Mandatory injunctions command the performance of some positive act to preserve the status quo, and prohibitory injunctions enjoin a party from doing an act that will change it." *Chruby v. Dep't of Corr.*, 4 A.3d 764, 769 n.2 (Pa. Cmwlth. 2010). "[I]t is the substance of the relief requested and not the form or phrasing of the requests which guides [this Court's] inquiry." *Stackhouse*, 892 A.2d at 61.

In Mandamus Request One, Petitioner seeks: "[A]n injunction against [DHS] and [OA] [from] filling positions through job announcements (1) CS-2024-11423-44720 and (2) CS-2024-11606-44720 until such a time that [] Petitioner's

name is returned to the civil hiring lists at those positions." Petition ¶ 47. OA asserts that because, in order to effectuate this, DHS and OA would need to undertake specific acts - i.e., remove the job postings, notify applicants that the positions cannot be filled, and, if already filled, remove the selected applicants - to preserve the status quo of a continued vacancy within the Hazleton and Wilkes-Barre CAOs, Petitioner seeks a mandatory injunction. This Court disagrees with OA's assertion. Petitioner is asking this Court to *enjoin* DHS and OA from filling the positions for an indefinite period of time to preserve the status quo of the vacancy. Consequently, it is a prohibitory injunction, which is not barred by sovereign immunity. *See Finn*.

In Mandamus Request Two, Petitioner is requesting: "[A]n injunction against [DHS] and [OA] [from] applying the list removal to [IMCW] positions that are not at the Hazleton [CAO], particularly those that the Petitioner applied [for] in response to [specific] Job Announcements . . . ." Petition ¶ 49. In other words, Petitioner is asking this Court to *command* DHS and OA to lift the list removal from IMCW positions available outside the Hazleton CAO, or more directly, to reinstate his name on the eligible lists for every IMCW position. Consequently, Petitioner seeks a mandatory injunction, which is barred by sovereign immunity. *See Finn*. Accordingly, OA's First Preliminary Objection is overruled in part and sustained in part, and Mandamus Request Two is dismissed.

Second Preliminary Objection

OA argues that Petitioner fails to plead a cognizable claim for the injunctive relief sought. Specifically, OA contends that Petitioner fails to satisfy any of the elements necessary for injunctive relief.

It is well established that

> [a] party seeking prohibitory preliminary injunctive relief must demonstrate the following six essential prerequisites:

> (1) injunctive relief is necessary to prevent immediate and irreparable harm not compensable by damages; (2) greater injury will result from denying such relief than from granting it; (3) relief will restore the parties to the positions they held before the allegedly wrongful conduct; (4) **the party seeking injunctive relief has a clear right to relief and is likely to prevail on the merits**; (5) the injunction is suited to the activity; and (6) the grant of an injunction will not harm the public interest.

R.S. by R.S. v. Hempfield Area Sch. Dist., 268 A.3d 521, 526 (Pa. Cmwlth. 2021) (emphasis added). "For a preliminary injunction to issue, every one of these prerequisites must be established; if the petitioner fails to establish any one of them, there is no need to address the others." *Beaver Cnty. ex rel. Beaver Cnty. Bd. of Comm'rs v. David*, 83 A.3d 1111, 1117 (Pa. Cmwlth. 2014) (quoting *Cnty. of Allegheny v. Commonwealth*, 544 A.2d 1305, 1307 (Pa. 1988)).

Petitioner is seeking to have this Court prohibit DHS and OA from filling positions through job announcements CS-2024-11423-44720 and CS-2024-11606-44720 until such a time that Petitioner's name is returned to the civil hiring lists for those positions. However, the Petition reveals that Petitioner has not pled any supporting allegation for the relief requested. To the extent Petitioner is basing this relief request on the presumption that he would prevail in his Appellate Relief Petition, his position fails. Notwithstanding, given that OA removed Petitioner's name from the Spanish speaking eligibility list for IMCW positions because he declined to participate in the required Spanish speaking proficiency evaluation, *see* C.R. at 14, and Petitioner has not pleaded any facts to refute that detail, Petitioner is not likely to prevail on the merits. Further, if Petitioner is relying on his allegedly wrongful discharge from his probationary status, even if he were to prevail on that claim, which this Court concludes is not likely, Petitioner has not provided any allegations to support a clear right in Petitioner to have this Court prohibit DHS and OA from filling those positions until Petitioner's claim is resolved. Because

Petitioner does not have a clear right to relief and is not likely to prevail on the merits, he cannot establish the six essential prerequisites for injunctive relief. *See Beaver Cnty*. Accordingly, OA's Second Preliminary Objection is sustained, and Mandamus Request One is dismissed.[13]

Third Preliminary Objection

OA argues that Petitioner lacks any clear legal right to dictate to OA that it separate DHS employees from their positions at DHS, or to invalidate an EPR as Petitioner requests in Mandamus Requests Three, Four, and Five; therefore, mandamus cannot lie.

This Court has explained:

> [M]andamus is an extraordinary writ. *Arroyo v. Pappert*, 876 A.2d 1073, 1075 n.4 (Pa. Cmwlth. 2005). "The purpose of mandamus is not to establish legal rights, but to enforce those rights which are already established." *Id*. Our Supreme Court has said that petitioners must satisfy three elements for mandamus to be appropriate: "(1) a clear legal right in the petitioner[;] (2) a corresponding duty in the respondent[;] and (3) an absence of any other appropriate or adequate remedy." *Equitable Gas Co. v. City of Pittsburgh*, . . . 488 A.2d 270, 272 ([Pa.] 1985). Mandamus relief "can never be invoked in a doubtful case[,]" so "[w]here doubt as to the [petitioner]'s right or [respondent]'s duty exists, the remedy is neither appropriate nor available." *Id*. at 273 (internal citation and quotation marks omitted) (emphasis added). Finally, "[t]he burden of proof falls upon the party seeking this extraordinary remedy to establish [its] legal right to such relief." *Sinkiewicz v. Susquehanna Cnty. Bd. of Comm'rs*, 131 A.3d 541, 546 (Pa. Cmwlth. 2015) (quoting *Werner v. Zazyczny*, . . . 681 A.2d 1331, 1335 ([Pa.] 1996)). At the preliminary objections stage, [this Court] will sustain a

[13] Notwithstanding that sovereign immunity bars Mandamus Request Two, the same analysis applies thereto. Accordingly, Petitioner does not have a clear right to relief and is not likely to prevail on the merits of Mandamus Request Two.

> demurrer to a petition for review requesting mandamus where a party "has failed to establish a clear right to relief in mandamus." *Raleigh v. Pa. Hum. Rels. Comm'n*, 660 A.2d 177, 180 (Pa. Cmwlth. 1995).

Seguro Medico, LLC v. Humphreys, 313 A.3d 298, 307-08 (Pa. Cmwlth.), *aff'd*, 320 A.3d 1163 (Pa. 2024) (emphasis omitted).

In Mandamus Request Three, Petitioner requests:

> [T]he EPR based on which OA and DHS removed [] Petitioner's name from civil service lists be quashed and expunged on the grounds that it only took less than 61 days into consideration ("RATING PERIOD FROM 06/21/[20]24 TO 08/21/[20]24"), not [1] year, not [6] months, not [3] months but only less than 61 days.

Petition ¶ 51. In Mandamus Request Four, Petitioner asks this Court:

> [T]o require OA and DHS to remove Michael Hadzick from Commonwealth employment on the grounds that he abused supervisory authority by postponing the modification of a partially approved medical assistance case for a welfare applicant so that he could use the electronic record of the case as feigned evidence to support the firing of [] Petitioner.

Petition ¶ 57. Finally, in Mandamus Request Five, Petitioner seeks: "[A] writ of mandamus to require OA and DHS to remove Stephanie Rivas from Commonwealth employment on the grounds that she stated several times in the Hazleton CAO that she was complicit in allowing her husband to take her minor aged son to concfights [sic] evets [sic] in Puerto Rico." Petition ¶ 63.

OA insists that Petitioner fails to assert or cite to any authority establishing a clear legal right that avails him of the ability to dictate to OA that it must separate DHS employees or remove an EPR of one of its employees. OA emphasizes that the Civil Service Reform Act is devoid of any provision empowering OA to take such action. OA further claims that OA has no corresponding duty to dictate to DHS which employees it should separate from

employment, nor how it should issue employee EPRs. Lastly, OA proclaims that Petitioner fails to plead or otherwise demonstrate a legal duty in OA to direct DHS's workforce and operations. This Court agrees with OA.

This Court has found no legal authority under which OA could take the action Petitioner demands. Because Petitioner has failed to establish that he has a clear legal right and that OA has a corresponding duty, mandamus cannot lie. Accordingly, OA's Third Preliminary Objection is sustained and Mandamus Requests Three, Four, and Five are dismissed against OA.

DHS's Application[14]

Injunctive Relief Requests

DHS argues, *inter alia*, that Petitioner fails to satisfy any of the elements necessary for injunctive relief, specifically, that he "has a clear right to relief and is likely to prevail on the merits." *R.S. by R.S.*, 268 A.3d at 526.

DHS contends, *inter alia*, that Petitioner's request stems from his disagreement with the list removal action, effective December 3, 2024 to December

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[14] The standard for granting summary relief turns upon whether the applicant's right to relief is clear. Summary relief on a petition for review is similar to the relief provided by a grant of summary judgment. [*See* Pennsylvania Rule of Appellate Procedure] 1532, [Pa.R.A.P. 1532], Official Note. Summary judgment is appropriate where, after the close of pleadings, "there is no genuine issue of any material fact as to a necessary element of the cause of action or defense which could be established by additional discovery or expert report." [Pennsylvania Rule of Civil Procedure,] Pa.R.C[iv].P. 1035.2(a). The record is to be viewed in the light most favorable to the nonmoving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against the moving party.

Scarnati v. Wolf, 173 A.3d 1110, 1118 (Pa. 2017) (footnote omitted).

2, 2025, which was based upon his demonstrated and documented unsatisfactory performance as a probationary status IMCW. DHS asserts that Petitioner, having had several supervisors and work plans over the course of multiple extensions of his probationary period, is not likely to prevail in his challenges to a Mid-Probationary Period EPR and subsequent removal following issuance of an EPR covering the second and final extension of his probationary period, each of which are currently on appeal before SCSC at Appeal Nos. 31382 and 31438, respectively.

This Court agrees with DHS. Petitioner's claims, as stated in his Appeal Request Form(s) that "DHS'[s] hiring [him] was all just a ruse to manufacture[] this horse manure lie that [he is] somehow incompetent and incapable of being a civil servant. [Petitioner] was targeted and harassed[,]" and that

> [he] was wrongly blackballed from civil service employment so that Sandra Lara can fill the office up with Puerto Rican relatives of other employees. [Petitioner] was fired to make room for someone else and the list removal is being imposed to keep [Petitioner's] [V]eteran[']s preference out of the way. [Petitioner is] being retaliated against for filing SCSC complaints and court complaints[,]

are not likely to prevail in his challenges to a Mid-Probationary Period EPR and subsequent removal following issuance of an EPR covering the second and final extension of his probationary period. R.R. at 45a. Petitioner has not alleged anything to establish a clear right in Petitioner to have this Court prohibit DHS from filling those positions until his claims are resolved, and/or have DHS and OA rescind his list removal. Because Petitioner does not have a clear right to relief and is not likely to prevail on the merits, he cannot establish that prerequisite for injunctive relief. Accordingly, DHS's right to relief relative to Petitioner's Injunctive Relief Requests is clear.

Mandamus Relief Requests

DHS argues that Petitioner has not shown, and cannot show, that he has a clear legal right to have the EPR tied to his removal quashed and expunged, or to compel DHS to remove his former supervisor and a caseworker from Commonwealth employment. DHS contends that mandamus is an extraordinary writ designed to compel the performance of a ministerial act or mandatory duty; however, here, such a right can only be established in the first instance by means of SCSC's adjudication of Petitioner's appeal challenging that EPR and his removal, which is presently before SCSC at Appeal No. 31438. Similarly, DHS asserts that Petitioner has not shown, and cannot show, that he has a clear legal right to have his former supervisor and a caseworker removed from their Commonwealth employment with DHS. Similarly, DHS proclaims that Petitioner has not shown, and cannot show, that DHS has a corresponding duty to quash and expunge the EPR tied to his removal or to remove his former supervisor and a caseworker from their Commonwealth employment with DHS.

This Court agrees with DHS. "[T]he purpose of mandamus is not to establish legal rights, but to enforce those rights which are already established." *Clymer v. Schmidt*, 324 A.3d 640, 649 (Pa. Cmwlth.), *aff'd*, 322 A.3d 929 (Pa. 2024) (quoting *Clark v. Beard*, 918 A.2d 155, 159 (Pa. Cmwlth. 2007)). Here, Petitioner cannot demonstrate that he has a clear legal right to have the EPR tied to his removal quashed and expunged, or to compel DHS to remove his former supervisor and a caseworker from Commonwealth employment. Nor can he demonstrate that DHS has a corresponding duty to do so. *See Seguro Medico*. Because mandamus relief "can never be invoked in a doubtful case[,]" and here there is doubt as to Petitioner's right and DHS's duty, "the remedy is neither appropriate nor available." *Id*., 313

A.3d at 308 (quoting *Equitable Gas*, 488 A.2d at 273). Accordingly, DHS's right to relief relative to Petitioner's Mandamus Relief Requests is clear.[15]

Conclusion

SCSC's January 22, 2025 order(s) are affirmed. OA's First Preliminary Objection is overruled in part and sustained in part, OA's Second Preliminary Objection is sustained, and OA's Third Preliminary Objection is sustained. DHS's Application is granted and the Petition is dismissed.

[15] Given this Court's disposition of DHS's arguments relative to Petitioner's Injunctive Relief Requests and Mandamus Relief Requests, this Court does not reach DHS's remaining Preliminary Objection.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Sean M. Donahue, Petitioner	:	
v.	:	
PA Department of Human Services, PA Governor's Office of Administration, and the Pennsylvania State Civil Service Commission, Respondents	:	No. 69 M.D. 2025

PER CURIAM

O R D E R

AND NOW, this 18th day of November, 2026, the Pennsylvania State Civil Service Commission's January 22, 2025 order(s) are AFFIRMED. The Pennsylvania Governor's Office of Administration's (OA) first preliminary objection to Sean M. Donahue's original jurisdiction petition for review (Petition) is OVERRULED in part and SUSTAINED in part; OA's second preliminary objection to the Petition is SUSTAINED; and OA's third preliminary objection to the Petition is SUSTAINED. The Department of Human Services' Application for Summary Relief is GRANTED and the Petition is DISMISSED.