

[REDACTED]

of six months or more unless such sentence will actually be imposed). In this case, civil contempt was imposed. Thus we need not be concerned with the effect of a criminal contempt conviction.

Writ of habeas corpus dismissed.

All concurred.

[REDACTED]

Original
No. 7760

RALPH A. WILSON & a.

v.

THE STATE OF NEW HAMPSHIRE
PERSONNEL COMMISSION

June 19, 1978

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

the "agency has acted illegally in respect to jurisdiction, authority or observance of the law . . . or has abused its discretion or acted arbitrarily, unreasonably or capriciously." *Slayton v. Personnel Comm'n*, 117 N.H. 206, 208, 371 A.2d 1159, 1161 (1977). (Citations omitted.)

■ We are not at liberty to substitute our judgment for that of the commission or make findings de novo. *Carling Brewing Company v. State Liquor Commission*, 102 N.H. 284, 288, 155 A.2d 808, 812 (1959). Therefore, even if we would have come to a different conclusion from that of the agency, we cannot revise the agency decision if it could reasonably have decided as it did.

■ It is true that there was evidence which would support a contrary finding, but there is also evidence to support the finding that was made. In determining classifications, the director has established a procedure to evaluate positions on the basis of nine job factors. Points are assigned in relation to each factor, with the total point score determining the labor grade of the position. There is no question that detectives perform different functions from line officers and that they engage in in-depth investigative work and carry the primary responsibility for individual cases. But, whatever the differences in duties, the commission has determined that the differences in required judgment, skill, experience, and training are not so different as to justify a higher labor grade for detectives of the same rank. We cannot say that this determination is so lacking in reason as to suggest "arbitrary action" and we therefore cannot disturb it. *Winn v. Jordan*, 101 N.H. 65, 70, 133 A.2d 485, 489 (1957).

■ Plaintiffs argue that because the commission made no findings, we should hold its decision void. In this case the underlying facts are not in dispute. It is only the ultimate conclusions to be drawn from the facts about which there is disagreement. It is clear, even without specific findings, that the commission concluded that a higher labor grade for detectives was not warranted. Specific findings are not, therefore, required for us to determine the basis for the decision. *Foote v. State Personnel Comm'n*, 116 N.H. 145, 148, 355 A.2d 412, 414 (1976). *But cf. Vickerry Realty Co. Trust v. City of Nashua*, 116 N.H. 536, 538-39, 364 A.2d 626, 628 (1976).

Plaintiffs' argument that the commission violated its own rules is based upon the claim that the evidence would permit only one conclusion on some of the criteria factors. Because this claim must be rejected, as set forth above, the argument must fail.

Petition dismissed.