

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Rebecca Aldrich,
Petitioner,

Docket No.: CR-25-0427

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner Rebecca Aldrich serves as a captain of a campus police force. She appeals from a decision of the State Board of Retirement (board) classifying her in group 1 under G.L. c. 32, § 3(2)(g).

Group 4 under that statute includes “members of police and fire departments” § 3(2)(g). Some twenty years ago, the Contributory Retirement Appeal Board (CRAB) assigned all members of the Boston Housing Authority Police to group 4, reasoning that “[t]he duties and functions of the Boston Housing Authority Police are consistent with those of other police departments in the Commonwealth.” *Boston Housing Auth. v. Boston Ret. Bd.*, No. CR-01-573 (Contributory Ret. App. Bd. Jan. 31, 2003) (*BHA*). DALA decisions have since read the term “police . . . departments” as limited to “municipal” forces. *See Tillinghast v. State Bd. of Ret.*, No. CR-22-223, 2024 WL 1364920 (Div. Admin. Law App. Mar. 22, 2024). Even if that test is not compelled by CRAB’s analysis in *BHA*, it is reconcilable with the result there.

Essentially on the basis of cases such as *Tillinghast*, the board moved to dismiss Ms. Aldrich’s appeal. She was instructed to file a response within 28 days, with a caution that her

failure to comply would be “interpreted as indicating her agreement with the board’s position.”

Ms. Aldrich’s deadline has expired. She has filed nothing further.

Where a live dispute is no longer being litigated, a suit or appeal is appropriately dismissed based on mootness and failure to prosecute. *See* 801 C.M.R. § 1.01(7)(g)(2); *Fannie Mae v. Branch*, 494 Mass. 343, 347-48 (2024). *Compare Bray & Gillespie Mgmt. LLC v. Lexington Ins. Co.*, 527 F. Supp. 2d 1355, 1371 (M.D. Fla. 2007), *with Jones v. Providence Pub. Sch.*, No. 23-1407, 2024 WL 1128034 (1st Cir. Mar. 11, 2024). Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Dated: October 31, 2025

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
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