

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals  
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**[www.mass.gov/dala](http://www.mass.gov/dala)**  
Docket No: CR-24-0522

Avelino Alves,  
Petitioner

v.

State Board of Retirement,  
Respondent

Date: 6/27/2025

**DISMISSAL**

Mr. Alves is seeking Group 2 classification for his job as Director of Food and Commissary. On August 5, 2024, he submitted his timely appeal of the Board's July 26, 2024 decision.

The Division of Administrative Law Appeals (DALA) ordered Mr. Alves to file a pre-hearing memorandum no later than December 6, 2024 and ordered the Board to file its pre-hearing memorandum no later than February 28, 2025. The parties were advised that failure to comply with the pre-hearing order without showing good cause might result in default or dismissal.

Mr. Avelino failed to file his memorandum.

On February 24, 2025, the Board moved DALA to dismiss the appeal for failure to prosecute, citing *Bucciero v. Revere Retirement Board*, CR-07-543 (Div. Admin. L. App. Sept. 10, 2009) ("Based on your failure to respond in writing in a timely and sufficient manner to the [magistrate's] order the above-captioned appeal is hereby dismissed with prejudice."). See *also* 801 CMR 1.01(7)(g)(2).

On February 25, 2025, DALA ordered Mr. Alves to file a written response to the motion to dismiss no later than March 25, 2025.

Mr. Alves failed to file a response to the Board's motion.

Accordingly, this matter is hereby **DISMISSED**.

DIVISION OF ADMINISTRATIVE LAW APPEALS

*/s/ Kenneth J. Forton*

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Kenneth J. Forton  
Administrative Magistrate

Notice sent to:     Avelino Alves  
                          Matthew S. Szafranski, Esq.