

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Tina Andre,**  
Petitioner,

No. CR-25-0117

Dated: April 18, 2025

v.

**Massachusetts Teachers' Retirement System,**  
Respondent.

**ORDER OF DISMISSAL**

This is an appeal from a decision excluding petitioner Tina Andre from the benefits program known as Retirement Plus. G.L. c. 32, § 5(4). As an individual who was already a teacher and a retirement-system member in 2001, Ms. Andre was permitted to enroll in Retirement Plus no later than the middle of that year. Acts 2000, c. 114, § 2.

A prior order explained that teachers who missed the mid-2001 deadline generally cannot join Retirement Plus at a later date. *See Roldan-Flores v. Massachusetts Teachers' Ret. Syst.*, No. CR-18-311, 2020 WL 14009727 (Contributory Ret. App. Bd. Dec. 10, 2020). That rule extends to individuals who may have received misleading or confusing information about their entitlements from their employers or boards. *See Clothier v. Teachers' Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010); *Moynihan v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 1108, slip op. at 7-8 (2024) (unpublished memorandum opinion).

Ms. Andre was accordingly ordered to show cause why her appeal should not be dismissed for failure to state a claim. She was advised that her failure to make that showing or failure to respond would result in dismissal of the appeal.

Ms. Andre filed nothing further. It is therefore ORDERED that this appeal is  
DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate