

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Kristen Arakelian,
Petitioner,

No. CR-25-0223

Dated: June 6, 2025

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner Kristen Arakelian is the widow of the late Brandon Arakelian, who served as a state trooper, retired in 2021, and passed away in 2023. After Trooper Arakelian's death, the petitioner presented the State Board of Retirement (board) with an application for accidental disability retirement benefits. *See* G.L. c. 32, § 7. In a written decision, the board told the petitioner that she should have filed her application with the state police. *See id.* § 26.

In retrospect, neither party's actions made sense. Neither the board nor the state police can award accidental disability retirement benefits to the survivor of a deceased member. *See id.* §§ 3(1)(a)(i), 7. What the petitioner could have done, as the board could have told her, is to apply to the board for accidental death benefits. *See id.* § 9; *Burke v. Contributory Ret. Appeal Bd.*, 34 Mass. App. Ct. 212, 216 (1993); *McCarthy v. State Bd. of Ret.*, No. CR-09-1041 (Div. Admin. Law App. Mar. 11, 2011); *Sparuk v. State Bd. of Ret.*, No. CR-11-268 (Div. Admin. Law App. Dec. 9, 2011).

The parties have discussed their positions in separate responses to an order to show cause. It is now reasonably clear that the petitioner wishes to seek accidental death benefits; that the board intends to process the petitioner's application for such benefits; that the pertinent statute will not penalize the petitioner for having initially filed the wrong form; and that there is

no additional type of relief that the petitioner is trying to obtain here. This appeal is thus moot.
See Fannie Mae v. Branch, 494 Mass. 343, 347-48 (2024).

In view of the foregoing, it is hereby ORDERED that this appeal is DISMISSED. If this order misinterprets any party's position, that party may move for reconsideration in accordance with 801 C.M.R. § 1.01(7)(l).

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate