

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Kristen Arakelian,
Petitioner,

Docket No.: CR-25-0477

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner Kristen Arakelian appeals from a decision of the State Board of Retirement (board) denying her application for accidental death benefits under G.L. c. 32, § 9.¹ The board has filed a motion to dismiss, which the petitioner has opposed.

The following facts are either undisputed or taken as true in the petitioner’s favor. She is the widow of the late Brandon Arakelian, who served as a state trooper for many years. In 2021, trooper Arakelian retired for superannuation. By that time, he was suffering from severe mental-health issues rooted in traumatic workplace experiences. In 2023, those same symptoms led to trooper Arakelian’s death by suicide.

The retirement law awards accidental death benefits to the survivors of public employees in specified circumstances. The general rule is that such benefits are payable only when an actively working employee “died . . . while in the performance of[] his duties.” G.L. c. 32, § 9(1). An exception reaches employees who first were “retired for accidental disability”

¹ The petitioner originally asked the board for accidental disability retirement benefits under G.L. c. 32, § 7. Her appeal from the board’s denial of that application was dismissed as moot without prejudice to a new application under § 9. *Arakelian v. State Bd. of Ret.*, No. CR-25-223 (Div. Admin. Law App. June 6, 2025).

and later died as a result of the same “injury or hazard on account of which [they were] retired.” *Id.* For purposes of this exception, it is insufficient for the survivor-appellant to show a connection “between the condition causing death and the employee’s prior work.” *Burke v. Contributory Ret. Appeal Bd.*, 34 Mass. App. Ct. 212, 216 (1993). *See also Namay v. Contributory Ret. Appeal Bd.*, 19 Mass. App. Ct. 456, 460 (1985).

The unambiguous statutory language makes accidental death benefits unavailable here. Section 9(1)’s general rule is inapplicable because Mr. Arakelian died two years after his retirement, not “while in the performance of[] his duties.” The section’s exception is inapplicable because trooper Arakelian retired for superannuation, not for “accidental disability.” *Id.*

The papers paint a sympathetic portrait. Trooper Arakelian served the Commonwealth in a valuable and hazardous position. The petitioner states plausibly that routine police-department procedures and expectations deterred trooper Arakelian from discussing his trauma with his colleagues, supervisors, and board. *Cf. Sagendorph v. Hampden Cty. Reg’l Ret. Syst.*, No. CR-21-631, 2023 WL 4846321, at *3-4 (Div. Admin. Law App. July 21, 2023). Even so, clear statutory language must be enforced “consistent with its plain meaning.” *Rotondi v. Contributory Ret. Appeal Bd.*, 463 Mass. 644, 648 (2012). In adjudicatory tribunals, “equitable concerns may not trump a statutory rule.” *O’Malley v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 778, 782 (2024). *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 446, 450-51 (2006).

In view of the foregoing, the petitioner's pleadings, taken as true, fail to state a claim upon which relief can be granted. It is therefore ORDERED that the motion to dismiss is ALLOWED and the appeal is DISMISSED.

Dated: October 17, 2025

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
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