

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Maryellen Balfour,
Petitioner,

Docket No.: CR-24-0694

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

The Petitioner appealed the Massachusetts Teachers' Retirement System's (MTRS) decision denying her application to purchase prior service as a teacher at the Carroll School. MTRS filed a motion to dismiss on several grounds. Ms. Balfour had until August 8, 2025 to respond to MTRS's motion. She did not do so, nor did she send any other communications.

The undisputed facts of the case support MTRS's motion. First, the Petitioner did not file a timely appeal. MTRS's denial letter is dated March 1, 2022; the Petitioner did not file her appeal until November 29, 2024, almost 19 months after the deadline to file had passed. The 15-day time limit to appeal is jurisdictional. *Mireault v. State Bd. of Ret.*, CR-17-168 (Contributory Ret. App. Bd. Apr. 28, 2025). Ms. Balfour advances some reasons, which I credit, as to why it took her so long to respond. Nevertheless, DALA has no power to grant equitable relief extending the appellate deadline.

In any event, the Petitioner does not dispute the reason for MTRS's denial. MTRS explained that, under G.L. c. 32, § 4(1)(p), only teachers who taught students whose tuition was paid in part or in full by the Commonwealth may purchase their prior service. The Petitioner does not dispute that 30% of the student population was private pay. Rather, she asks that she be allowed to purchase 70% of her time (representing the 70% of students who were publicly

funded). However, this service may not be purchased by percentage. Either the member qualifies to purchase all of it or none of it.

Accordingly, it is hereby ordered the appeal is **dismissed** for lack of jurisdiction and failure to state a claim.

Dated: January 2, 2026

Eric Tennen

Eric Tennen, Magistrate
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