

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Erica Bedard,
Petitioner,

Docket No.: CR-25-0267

v.

Dated: July 24, 2026

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Erica Bedard (pro se)

For Respondent: Alison K. Eggers, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

A 2011 statutory amendment provides for prorated group classification under G.L. c. 32, § 3(2)(g), when a public employee has performed work assignable to two or more groups. Proration is either mandatory or optional for virtually all employees. But *Garcia v. State Board of Retirement*, No. CR-21-0085 (Contributory Ret. App. Bd. June 15, 2026), recognizes an exception for employees who worked in public service before the 2011 amendment took effect, and again afterward, but not on the amendment's effective date. The petitioner is such an employee. She is therefore not entitled to prorated group classification.

DECISION

Petitioner Erica Bedard appeals from a decision of the State Board of Retirement (board) denying her application for prorated group 2 classification under G.L. c. 32, §§ 3(2)(g), 5(2)(a). The appeal was submitted on the papers without objection. 801 C.M.R. § 1.01(10)(c). I admit into evidence exhibits nos. 1-14 as marked and listed in the board's papers.

Findings of Fact

The following facts are not in dispute.

1. From 1997 to 2010, Ms. Bedard served as a “line” social worker with the Department of Children and Families (DCF). In that role, Ms. Bedard worked directly with families whose lives were impacted by abuse and neglect. (Exhibits 1, 2, 8.)

2. From 2010 to 2012, Ms. Bedard did not work in public service. Her accumulated retirement contributions remained on account with the board. (Exhibits 1, 8.)

3. From 2012 to 2025, Ms. Bedard again worked for DCF, now in more senior positions: she served first as area director and then as associate commissioner of protective operations. These positions were supervisory in nature. (Exhibits 1, 2.)

4. In 2025, Ms. Bedard retired. For purposes of calculating her benefits, Ms. Bedard asked the board to prorate her group classification under G.L. c. 32, § 3(2)(g), by assigning her work as a line social worker into group 2. The board declined, and this timely appeal followed. (Exhibits 6, 8.)

Analysis

The retirement benefits of Massachusetts’s public employees draw on a system of classification consisting of four groups. G.L. c. 32, § 3(2)(g). The overall purpose of the scheme is to draw employees with hazardous duties into early retirement. *Pysz v. Contributory Ret. Appeal Bd.*, 403 Mass. 514, 518 (1988). A byproduct is that classification in groups 2-4 often increases an employee’s benefits. G.L. c. 32, § 5(2)(a).

Ms. Bedard seeks “prorated” classification in group 2, specifically for her years as a line social worker.¹ The statute that provides for prorated group classification distinguishes between two categories of employees:

Any active member as of April 2, 2012, who has served in more than 1 group *may elect to receive* a retirement allowance consisting of pro-rated benefits based upon the percentage of total years of service that the member rendered in each group;

further, the retirement allowance for members who became members on or after April 2, 2012, and who served in more than 1 group, *shall receive* a retirement allowance consisting of pro-rated benefits based upon the percentage of total years of service that member rendered in each group. . . .

G.L. c. 32, § 5(2)(a) (emphasis and paragraph break added).

The Legislature added these passages to the retirement law in St. 2011, c. 176, § 14. Before that amendment, each member’s entire career was assigned to a single group based on the member’s “job requirements at the time of retirement.” *Maddocks v. Contributory Ret. Appeal Bd.*, 369 Mass. 488, 494 (1976). That rule produced undesirable consequences. It yielded counterintuitive results for members who worked long years in one group, only to retire from another. Employers were also tempted to change an employee’s position soon before his or her retirement for the artificial purpose of impacting the member’s benefits. *See Pysz*, 403 Mass. at 517. *See also Lorrey v. State Bd. of Ret.*, No. CR-09-553, 2014 WL 13121799, at *1 (Contributory Ret. App. Bd. Dec. 19, 2014).

¹ For reasons that will become clear, it is not necessary to determine whether Ms. Bedard’s service as a line social worker actually qualified for group 2.

The 2011 amendment plainly reflects a judgment that prorated group classification is the better approach. The reason for the statute's distinction between two categories of members is also discernible. The 2011 amendment took effect on April 2, 2012. St. 2011, c. 176, § 64. A rule mandating proration across the board would have disadvantaged some members already then in public service: specifically, those who had already moved out of group 1 and into another group. By making proration optional for such employees, the Legislature protected the benefits that they had reason to expect. *See generally Opinion of the Justices*, 364 Mass. 847 (1973). *See also Pelletier v. Massachusetts Tchrs.' Ret. Syst.*, No. CR-19-301, 2023 WL 3434952, at *3 n.4 (Div. Admin. Law App. May 8, 2023).

In short, the 2011 amendment is designed to produce either mandatory or optional proration for virtually all employees. *See Lorrey*, 2014 WL 13121799, at *2.² But in the board's view, Ms. Bedard belongs to an outlier category, consisting of members who worked in public service before the 2011 amendment took effect, and again afterward, but not on the statute's effective date.

A recent decision of the Contributory Retirement Appeal Board (CRAB) adopts the board's position. In *Garcia v. State Board of Retirement*, No. CR-21-0085 (Contributory Ret. App. Bd. June 15, 2026), the member was deemed ineligible for proration because she "had a . . . break in service that included April 2, 2012." On *Garcia's* implicit analysis, members with

² A rare exception not implicated here is stated in another passage of the governing statute: "A member who entered service on or before April, 2, 2012 . . . and is no longer a public employee at the time of the member's retirement shall be classified based on the position from which the member was last employed." G.L. c. 32, § 5(2)(a) (emphasis added). Analyses of this provision's details and purpose may be left for another day.

such “breaks” fall between § 5(2)(a)’s cracks: the portion of the statute about mandatory proration does not apply to them, because they did not “[become] member[s] on or after April 2, 2012.”³ But neither does the passage about optional proration, because they were not “active member[s] as of April 2, 2012.”⁴

As the board and *Garcia* itself appear to acknowledge, the holding of that case is hard to square with the legislative intent of the 2011 amendment. *See generally Conservation Comm’n of Norton v. Pesa*, 488 Mass. 325, 331 (2021). Regardless, the holding is binding. *See generally Iran Air v. Kugelman*, 996 F.2d 1253, 1260 (D.C. Cir. 1993). Its consequence here is that Ms. Bedard is not eligible for prorated group classification.

Conclusion and Order

In view of the foregoing, the board’s decision is AFFIRMED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals

³ CRAB implicitly agreed with the underlying DALA decision that “[t]his language refers to the first time a person becomes a member . . . not the most recent time.” *Garcia v. State Bd. of Ret.*, No. CR-21-0085, 2023 WL 4637167, at *3 (Div. Admin. Law App. July 14, 2023).

⁴ The precise term “active member” is not defined in G.L. c. 32, § 1, or elsewhere in the retirement law. CRAB implicitly read the term as denoting the equivalent of a “member in service,” as opposed to a “member inactive,” within the meaning of these terms in *id.* § 3(1)(a)(i)-(ii).