

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

Division of Administrative Law Appeals

Shara Bedard,
Petitioner

v.

Docket No. CR-25-0691

Date Issued: June 12, 2026

State Board of Retirement,
Respondent

Appearance for Petitioner:

Shara Bedard, *pro se*

Appearance for Respondent:

Yande Lombe, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY

Petitioner terminated her membership with a retirement system when she took a refund of her retirement deductions. She returned to work for a different government employer and became a new member of a different retirement system. She is not entitled to re-establish her original membership date based on the buyback of her prior service with the original employer. *Manning v. Contributory Ret. App. Bd.*, 29 Mass. App. Ct. 253, 255-56 (1990).

DECISION

On November 13, 2025, Petitioner Shara Bedard timely appealed under G.L. c. 32, § 16(4) Respondent State Board of Retirement's decision denying her request to re-establish her original membership date based on service credit for which she took a

refund, and that she then later bought back when she became a member of a different retirement system. On November 24, 2025, DALA notified the parties that the appeal could be decided on written submissions under 801 CMR 1.01(10)(c) and ordered them to file memoranda and exhibits. Neither party objected. On January 8, 2026, Ms. Bedard submitted her memorandum. On February 25, 2026, the Board submitted its memorandum and 8 proposed exhibits. I hereby admit the Board's 8 proposed exhibits into evidence. (Exs. 1-8.)

FINDINGS OF FACT

Based on documents presented by the parties, I make the following findings of fact:

1. Shara Bedard was employed by the City of Boston Police Department from December 6, 2004, through July 16, 2012, and was a member of the Boston Retirement System during her employment there. (Ex. 5.)
2. When she left the Police Department, she requested and received a refund of her accumulated retirement deductions from the Boston Retirement System. This ended her membership in the Boston Retirement System. (Ex. 5.)
3. On September 19, 2016, Ms. Bedard started working for the Massachusetts Gaming Commission and consequently became a member of the State Employees' Retirement System (SERS). She remained at the Gaming Commission until December 19, 2020. Ms. Bedard is now employed with the Department of Children and Families and remains a SERS member. (Ex. 4.)

4. In 2012, the retirement law underwent a substantial overhaul. As a result, more restrictive retirement eligibility rules now apply to members who entered service after 2012. Those whose membership date pre-dates 2012 are effectively grandfathered under the old, less restrictive rules. Because Ms. Bedard entered *state* service after 2012, the State Board treated her as a post-2012 member. (Ex. 2.)

5. On September 11, 2017, Ms. Bedard applied to buy back her 2004-2012 service credit with the Boston Police Department. Her understanding was that buying back this service would re-establish her original 2004 retirement system membership date and thus entitle her to pre-2012 retirement eligibility rules. In 2018, the Board approved the purchase and sent Ms. Bedard invoices to purchase those eight years of credit. She elected to pay in installments and completed the purchase in 2023. (Exs. 6, 7, 8.)

6. On October 20, 2025, Ms. Bedard requested a written determination of her membership date, retirement eligibility, and minimum retirement age. (Ex. 3.)

7. By letter dated November 13, 2025, the Board informed Ms. Bedard that her membership date is September 19, 2016 (her first day in state service), and that as a post-2012 member she is eligible to retire at 60 years of age with at least 10 years of service. (Ex. 2.)

8. Ms. Bedard timely appealed the Board's decision. (Ex. 1.)

CONCLUSION AND ORDER

Ms. Bedard seeks treatment as a pre-2012 member for purposes of determining her retirement eligibility. Before the legislature amended the retirement law in 2011,

Group 1 members like Ms. Bedard were eligible to retire at 55 years of age and based on the average of their highest three years of consecutive regular compensation. See Acts 2011, c. 176; G.L. c. 32, §§ 5(1)(a), 5(2)(a). After the 2011 amendments, anyone who became a member after April 1, 2012, could retire from a Group 1 position only after they reached 60 years of age and based on the average of their highest *five* years of regular compensation. Acts 2011, c. 176, §§ 11, 13.

That means that, when Ms. Bedard was initially employed in Boston from 2004 to 2012, she could have retired as early as 55 years of age based on her highest three consecutive years of creditable service because her membership date was in 2004. However, she terminated her membership in the Boston Retirement System by voluntarily withdrawing her accumulated deductions. See *Finkle v. Contributory Ret. App. Bd.*, No. 98-0498, at *8-9 (Suffolk Sup. Ct. Feb. 18, 1999); *Turner v. Massachusetts Teachers' Ret. Sys.*, CR-13-305 and -428 (Div. Admin. L. App. Feb. 11, 2015); *Pacifico v. State Bd. of Ret.*, CR-06-32, at *3 (Div. Admin. L. App. June 15, 2007); *McNamara v. State Bd. of Ret.*, CR-04-152 (Div. Admin. L. App. June 9, 2005). In effect, her Boston membership date was erased. When she then returned to Chapter 32 service in 2016, Ms. Bedard had no existing Chapter 32 retirement account because she took a refund, and therefore she was made a new member of SERS. As a result, her membership date is in 2016, and she is subject to the post-2012 retirement eligibility rules. She now has to be 60 to retire, and it will be based on five, instead of three, years of creditable service. See G.L. c 32, §§ 5(1)(a), 5(2)(a).

Ms. Bedard maintains that buying back her 2004-2012 Boston service entitles her to re-establish her membership date retroactive to 2004. See G.L. c. 32, § 3(8)(b) (allows buyback of refunded service from a different retirement system). However, it is well established that the buyback of prior service does not entitle a member to a retroactive membership date or membership rights. See, e.g., *Manning v. Contributory Ret. App. Bd.*, 29 Mass. App. Ct. 253, 255-56 (1990); *Dubois v. Massachusetts Teachers' Ret. Sys.*, CR-24-0033 (Div. Admin. L. App. Jan. 10, 2025); *Smith v. State Bd. of Ret.*, CR-22-0375 (Div. Admin. L. App. Jan. 26, 2024); *McNamara*, supra.

Ms. Bedard cites *DiGianni v. Contributory Ret. App. Bd.*, 421 Mass. 350 (1995), in support of her argument. There, the Court considered whether a teacher who was employed from 1977 until being laid off in 1981 and then returned to employment in 1982, was a “member . . . who entered the service of the commonwealth or a political subdivision thereof on or after January [1, 1979].” *Id.* at 351. When Ms. DiGianni was laid off in 1981, she withdrew her accumulated deductions, and her retirement system provided her the following notice:

A member who withdraws his funds, must, as a condition [of] reemployment, immediately return in one sum an amount equal to the accumulated regular deductions withdrawn with regular interest thereon to the date of reemployment if reemploy[ed] as a teacher in the public schools of Massachusetts within two years from the date of his last separation therefrom, provided the service is subject to membership in the teachers' retirement system. If a former member is reemployed as a teacher in the public schools of Massachusetts after two years from the date of last separation therefrom, his status will be that of a new employee not entitled to credit for previous service

Id. at 355; see also G.L. c. 32, § 3(6)(c) (amended 1982) (requiring repayment of withdrawn deductions upon reemployment). Ms. DiGianni was reemployed as a public

school teacher in 1982 and repaid her withdrawn deductions to her retirement system as required by Section 3(6)(c) and the notice she received from her retirement system.

DiGianni, 421 Mass. at 351–52.

Upon her reemployment, Ms. DiGianni’s retirement system attempted to subject her to G.L. c. 32, § 22(1)(b½), which applies an additional 2% retirement deduction rate to employees who entered service after 1979. *Id.* at 352. Ms. DiGianni appealed, arguing that the retirement system should consider her membership date as 1977. *Id.* The Court found in favor of Ms. DiGianni, explaining that Section 22(1)(b½) did not apply to her because, although she withdrew her accumulated deductions prior to being reemployed, she was not a new employee, as she was *required* to repay her withdrawn deductions as a condition of re-employment and received a “notice impl[ying] that an employee who repays the withdrawn deductions is entitled to the same benefits to which [s]he was previously entitled.” *Id.* at 355. As a result, Ms. DiGianni had a “reasonable expectation” that, upon her reemployment, her retirement system would treat her “as if she never left the employ of the Commonwealth.” *Id.*

Ms. Bedard’s circumstances are not like Ms. DiGianni’s. Unlike Ms. DiGianni, Ms. Bedard did not have a “reasonable expectation” that upon returning to public service with the Commonwealth in 2016 she would be entitled to her former retirement eligibility rules. Ms. Bedard did not receive a notice or any other indication from SERS that, upon repaying her withdrawn deductions, she would be entitled to the same benefits to which she was previously entitled. More importantly, Ms. Bedard was not required to repay her withdrawn deductions as a condition of her employment, but

rather had the option of repaying her withdrawn deductions at any time prior to retirement, or not at all.¹ See G.L. c. 32, § 3(8)(b); *Finkle*, supra, at *8.

For the above-stated reasons, the State Board of Retirement’s decision is
AFFIRMED.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative magistrate

Dated: June 12, 2026

¹ Moreover, the mandatory re-deposit provision in Section 3(6)(c), which was applicable in *DiGianni*, was removed by Acts 1982, c. 630, § 10.