

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS

Dorrette Bogle-Stephenson,
Petitioner,

Docket Nos.: CR-22-0056, CR-22-0305

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Dorrette Bogle-Stephenson, pro se

For Respondent: Yande Lombe, Esq.

Administrative Magistrate: Timothy M. Pomarole

SUMMARY OF DECISION

The Petitioner, who worked as a social worker and as a case reviewer for the Department of Children and Families (DCF), is ineligible for Group 2 classification under G.L. c.32, § 3(2)(g). She did not work as a social worker for 10 years or more. And neither her social worker nor her case reviewer position required her to provide Group 2-qualifying care for a Group 2 population for more than half of her working hours.

DECISION

The Petitioner, Dorrette Bogle-Stephenson, appeals two decisions of the State Board of Retirement (“the Board”). The first is an appeal of the Board’s denial of her request to be classified in Group 2 under G.L. c.32, § 3(2)(g) for her service as a Case Reviewer A/B. The second is an appeal of the Board’s denial of her request to pro-rate her time as a Social Worker for DCF as Group 2 service.

I consolidated the two appeals and held an evidentiary hearing on July 29, 2024 remotely via WebEx. Ms. Bogle-Stephenson was the only testifying witness.

I admitted into evidence Petitioner's Exhibit 1 and Respondent's Exhibits 1-7. The Board filed a post-hearing memorandum, whereupon the hearing record closed. Ms. Bogle-Stephenson did not file a post-hearing memorandum.

FINDINGS OF FACT

Based upon the evidence presented by the parties, along with reasonable inferences drawn therefrom, I make the following findings of fact:

Background

1. Ms. Bogle-Stephenson worked for the DCF (formerly the Department of Social Services) from 1995 to 2021 in four positions: Social Worker I, Social Worker III, Social Worker C, and Case Reviewer A/B. (Resp. Ex. 1.)
2. She was a Social Worker I from January 3, 1995 to October 23, 1999, a Social Worker III from October 24, 1999 to December 15, 2001, and a Social Worker C from December 16, 2001 to October 2, 2004. (Resp. Ex. 1.)
3. Her total service as a Social Worker for DCF was nine years and nine months long. (Resp. Ex. 1.)
4. She became a Case Reviewer A/B on October 3, 2004 and held that position until her retirement in November 2021. (Resp. Ex. 1.)

Social Worker Service With DCF

5. As a Social Worker I and III, Ms. Bogle-Stephenson had a caseload of twenty-five to thirty clients, ranging in age from birth to eighteen-years-old. (Testimony.)
6. As a Social Worker C, she had approximately thirty clients, most of whom were adolescents. (Testimony.)

7. In her Social Worker C role, an average of seven of her approximately thirty clients were in the custody of the Department of Youth Services (DYS). It is not clear how many of her clients in her other social worker positions were in the custody of DHS. (Testimony.)
8. All of her clients were Children in Need of Services (CHINS). (Testimony).¹
9. Her Social Worker positions involved essentially identical duties. (Testimony.)
10. According to job descriptions of the Social Worker positions, she was required to assess, develop, evaluate, and monitor client service plans and programs; assess for risk, provide counseling to clients; and provide services for the protection of children . . .

(Resp. Ex. 4.)
11. For each new client, Ms. Bogle-Stephenson completed a written assessment and then met with the child and family. (Testimony; Resp. Ex. 4.)
12. She would generally meet with her clients approximately one hour per month if there were no serious issues or problems. If there were serious issues, she might spend up to several hours (or even the entire day) with them. She would meet with them to discuss how they were doing and ensure they were receiving the appropriate educational, medical and psychological services. Her time with them could also include, depending on need, such tasks as taking them to medical appointments, accompanying them to

¹ See G.L. c.119, § 39E. The term CHINS has been replaced by CRA (“Child Requiring Assistance”) and is defined as

a child between the ages of 6 and 18 who: (i) repeatedly runs away from the home of the child’s parent, legal guardian or custodian; (ii) repeatedly fails to obey the lawful and reasonable commands of the child’s parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child’s school; (iv) is habitually truant; or (v) is a sexually exploited child. G.L. c. 119, § 21.

school meetings, and helping them obtain green cards (documenting permanent lawful residency in the United States). (Testimony.)

13. She maintained contact with client families and third parties who were providing medical and legal services. (Testimony; Resp. Ex. 4.)

Case Reviewer A/B

14. As a Case Reviewer A/B, Ms. Bogle-Stephenson reviewed service plans and placements for children in foster care. (Testimony; Resp. Ex. 1.)

15. Her duties included conducting “foster care case review conferences,” which were meetings with the child, foster parents, therapists, birth parents, and others to discuss the appropriateness of the current service plan, compliance with the service plan, and recommendations for further steps, with the ultimate goal of trying to obtain a suitable permanent placement for the child. (Testimony; Resp. Ex. 1.)

16. In the conference, she had direct interactions with the child about the services being provided. (Testimony.)

17. Sometimes during the conferences Ms. Bogle-Stephenson would witness anger, hostility, and threats of physical violence from family members. (Testimony; Pet. Ex. 1.)

18. She performed approximately forty-eight foster care case review conferences per month. (Testimony.)

19. The foster care case review conferences varied in duration. Sometimes the conferences took twenty minutes; sometimes they lasted between two and three hours. (Testimony.)

20. Ms. Bogle-Stephenson wrote a summary after each conference. (Testimony; Resp. Ex. 1.)

21. Ms. Bogle-Stephenson would then participate as a member of a review panel that assessed the child’s placement, based upon the current services. The panel consisted of

the foster care case reviewer, the foster care case manager, and a community member.

The panel would determine whether the child's needs were being met, with the ultimate goal of a permanent placement for the child. Ms. Bogle-Stephenson prepared written reports of the determinations. (Testimony; Resp. Ex. 1.)

22. Her job duties also included an annual assessment of the foster care review system and agency policies. Additionally, she participated in training, support and assessment of volunteer case reviewers. (Resp. Ex. 1.)

Prior Proceedings

23. Ms. Bogle-Stephenson submitted an application in December 2021 to be classified in Group 2 based on her service as a Case Reviewer A/B. (Resp. Ex. 1.)

24. She submitted a subsequent application in February 2022 to pro-rate her time as a Social Worker for DCF as Group 2 service. (Resp. Ex. 4.)

25. The Board denied both requests for Group 2 classification. (Resp. Exs. 2 and 6.)

26. Ms. Bogle-Stephenson timely appealed.

ANALYSIS

For retirement purposes, each public employee is assigned to one of four groups. G.L. c.32, § 3(2)(g). Group 1 consists of "general employees including clerical, administrative and technical workers, laborers, mechanics and all others not otherwise classified." *Id.* Group 2 includes

employees of the department of children and families holding the title of social worker . . . who have been employed in such titles for 10 years or more; and employees of the commonwealth or of any county whose regular and major duties require them to have care, custody, instruction, or other supervision of parolees or persons who are mentally ill or mentally defective or defective delinquents or wayward children.

Id.

Therefore, Ms. Bogle-Stephenson can establish that her social worker positions qualify for Group 2 classification by proving that she held the title of social worker at DCF for ten years or more; or that her regular and major duties as a social worker required her to have the “care, custody, instruction or other supervision of parolees or persons who are mentally ill or mentally defective or defective delinquents or wayward children.” *Id.*

To meet the Group 2 classification requirements for her case reviewer position, she must show that her “regular and major duties” of a case reviewer involved the “care, custody, instruction or other supervision of parolees or persons who are mentally ill or mentally defective or defective delinquents or wayward children.” *Id.*

Social Worker Service with DCF

Ms. Bogle-Stephenson’s service as a social worker at DCF was nine years and nine months long. Therefore, she cannot establish Group 2 eligibility for her social worker positions on the basis that she held the title of social worker for ten years or more.

Ms. Bogle-Stephenson argues that she satisfied the ten-year requirement because her first six months as a case reviewer were probationary. The argument is unavailing. Even if her first six months as a case reviewer were probationary, it does not follow that she continued to hold her prior position as a social worker during that time.

Ms. Bogle-Stephenson also argues that she fell only a few months short of the required ten years and that this modest shortfall should be overlooked in view of her many years of service to the Commonwealth. Without intending to minimize the value of her service, this Division is not authorized to take such equitable considerations into account in the face of a

clear legislative directive. *Panos v. Mass. Teachers' Ret. Sys.*, CR-16-527, 2023 WL 11806168, at *3 (Contrib. Ret. App. Bd. Dec. 20, 2023) (citations omitted).

To satisfy the second basis for qualification, Ms. Bogle-Stephenson must prove that her “regular and major duties” as a social worker required her to have the “care, custody, instruction or other supervision of parolees or persons who are mentally ill or mentally defective or defective delinquents or wayward children.” G.L. c.32, § 3(2)(g).

“[A]n employee who spends more than half of his or her time ‘engaged in the care, custody, instruction, or other supervision’ of a population included in Group 2 engages in these responsibilities as part of his or her ‘regular and major duties.’” *Desautel v. State Bd. of Ret.*, CR-18-0080, 2023 WL 11806157, at *3 (Contrib. Ret. App. Bd. Aug. 2, 2023). Here, as is often the case when considering the categorization of social workers, the relevant Group 2 activity is “care” (rather than “custody,” “instruction,” or “other supervision”). “Care” refers to “direct care” – the personal provision of assistance or treatment to a member of a Group 2 population. *Id.* at *4.

In the social work context, work duties related to “planning, placement, and oversight of the supports provided to . . . clients” are generally considered administrative in nature, rather than direct care. *Albano v. State Bd. of Ret.*, CR-14-327, at *2 (Contrib. Ret. App. Bd. July 23, 2018). Nevertheless, the decisional law also provides that “certain case management activities — such as helping a client gain access to services and benefits, ascertaining whether a client is benefitting from services, and advocating on a client's behalf with service providers and public entities — may ground a Group 2 classification if these activities require meaningful interactions with clients.” *Hurwitz v. State Bd. of Ret.*, CR-20-0642, 2024 WL 4345187, at *9 (Div. Admin. Law App. Sept. 13, 2024) (citations omitted).

Even if Ms. Bogle-Stephenson's face-to-face case management activities constituted Group 2-qualifying care, however, the record does not establish that the provision of such care occupied more than half of her working hours. She spent at least an hour per month with each of her thirty clients, and the record suggests that she frequently spent more time than that (sometimes significantly more), depending on the need. Although it is possible that Ms. Bogle-Stephenson spent more than half of her working hours engaged in Group 2 care, but the record does not suffice to establish this by a preponderance of the evidence.

Moreover, even if Ms. Bogle-Stephenson spent more than half of her working hours engaged in Group 2 care activities, the record does not establish that more than half of her time was spent providing Group 2 care to members of a Group 2 population.

Ms. Bogle-Stephenson's clients were not parolees, and there is no evidence that a majority of them had mental illnesses, were "mentally defective" (an outdated term for those with a developmental disability), or were "defective delinquents" (an outdated legal category for a person "who was both mentally defective and who either had committed a crime or who was found to have a tendency to become dangerous" *DellaGuistina v. State Bd. of Ret.*, CR-11-699, 2015 WL 14085617, at *3 (Contrib. Ret. App. Bd. Dec. 2, 2015)).

Children committed to DYS custody are considered "wayward children" for purposes of grounding a Group 2 classification because they have either been charged with, or had been found to have committed, a crime. *Forbes v. State Bd. of Ret.*, CR-13-146, 2020 WL 14009545, at *4 (Contrib. Ret. App. Bd. Jan. 8, 2020). Around seven of Ms. Bogle-Stephenson's thirty clients as a Social Worker C were committed to DYS custody and thus constituted wayward children. Her remaining Social Worker C clients – the majority – were CHINS clients not within the custody of DYS, who are not assumed to be wayward children. *DellaGuistina, supra*, at *2;

Whitman v. State Bd. of Ret., CR-12-169, at *11 (Div. Admin. Law App. Dec. 14, 2012). As for Ms. Bogle-Stephenson’s Social Worker I and Social Worker III clients, the record does not establish how many of them (if any) were committed to DYS custody. Accordingly, the evidence does not establish that a majority of Ms. Bogle-Stephenson’s time was spent providing Group 2 care for members of a Group 2 population.

Case Reviewer A/B

To meet the Group 2 classification requirements for her case reviewer position, Ms. Bogle-Stephenson must show that her “regular and major duties” as a case reviewer involved providing Group 2 care to members of a Group 2 population.

If Ms. Bogle-Stephenson provided Group 2 care in this position, it would have occurred during the foster care case review conferences, which is when she was interacting with the youths. It is not likely that conducting these group meetings, which were evaluative in nature, would constitute direct care under the decisional law. Cf. *Potter v. State Bd. of Ret.*, CR-19-0519, at *9 (Div. Admin. Law App. Dec. 16, 2022) (collecting cases) (observing that conducting assessments “to determine eligibility for care or to determine what care would be provided by a third party” is not Group 2 care). But even if these conferences constituted direct care, it is not clear from the record that they occupied more than half of Ms. Bogle-Stephenson’s working hours.²

² Ms. Bogle-Stephenson conducted forty-eight of these conferences per month. They sometimes took twenty minutes; at other times they could last as long as two to three hours. (Testimony). I gather that they could take any amount of time between those extremes, but I cannot, on this record, make an estimate about the average duration without resorting to speculation.

Moreover, there was no evidence that the children for whom Ms. Bogle-Stephenson served as a case reviewer were “wayward children” or belonged to some other Group 2 population.

For these reasons, Ms. Bogle-Stephenson has not met her burden of establishing that her case reviewer position is entitled to Group 2 classification.

CONCLUSION AND ORDER

The two decisions of the Board denying Ms. Bogle-Stephenson’s applications for Group 2 classification are AFFIRMED.

/s/ Timothy M. Pomarole

Timothy M. Pomarole

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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April 17, 2026