

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Julia Borger-Green,
Petitioner,

No. CR-24-0692

v.

Dated: December 27, 2024

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision excluding the petitioner from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). As an individual who was already a teacher and a retirement-system member in 2001, the petitioner was permitted to enroll in Retirement Plus no later than the middle of that year. *See* Acts 2000, c. 114, § 2. The petitioner does not claim to have satisfied that requirement.

A prior order explained that teachers who missed the mid-2001 deadline generally cannot join Retirement Plus later on. *See Roldan-Flores v. Massachusetts Teachers' Ret. Syst.*, No. CR-18-311, 2020 WL 14009727 (Contributory Ret. App. Bd. Dec. 10, 2020). The order explained that this rule extends to teachers whose retirement systems have been collecting incorrect retirement contributions from them for many years. *See Hunter v. Contributory Ret. Appeal Bd.*, 80 Mass. App. Ct. 257, 263 (2011). The order directed the petitioner to show cause why the appeal should not be dismissed for failure to state a claim. It noted that the petitioner's failure to respond would result in dismissal.

The petitioner has filed nothing further. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate