

**COMMONWEALTH OF MASSACHUSETTS
CONTRIBUTORY RETIREMENT APPEAL BOARD**

JOSH BOWRIDGE,

Petitioner-Appellant

v.

STATE BOARD OF RETIREMENT,

Respondent-Appellee.

CR-22-0377

DECISION

In a decision dated June 28, 2024, an Administrative Magistrate of the Division of Administrative Law Appeals (DALA) affirmed the decision of the respondent State Board of Retirement (SBR) denying petitioner Josh Bowridge’s request to retire under the “20/50” provision of G.L. c. 32, § 28N.

On July 18, 2024, we received an email from Mr. Bowridge, in which he sought to appeal from the June 28 2024 DALA decision. On November 21, 2024, we issued an Order to Show Cause Why Appeal Should Not Be Dismissed as Untimely. We noted that the statutory deadline for filing an appeal from DALA to the Contributory Retirement Appeal Board (CRAB) was fifteen days from June 28, 2024, or Monday, July 15, 2024, the following business day, and that the deadline was jurisdictional. *See* G.L. c. 32, § 16(4).¹ However, Mr. Bowridge did not respond to our Order.

¹ *See Gordon v. State Building Code Appeals Bd.*, 70 Mass. App. Ct. 12, 13, 20 (2007) (board’s authority limited by statute that provided remedy; where party filed late appeal, board lacked authority to hear appeal); *Sears, Roebuck & Co. v. State Tax Comm’n*, 370 Mass. 127, 130 (1976) (board lacked jurisdiction to hear late appeal where time limit specified by statute); *Lambert v. Massachusetts Teachers’ Retirement Bd.*, CR-09-0074 (CRAB Feb. 17. 2012); *Worcester County Sheriff’s Office v. State Bd. of Retirement*, CR-08-169 at 11 (DALA, Sept. 30, 2011); *cf. Herrick v. Essex Reg’l Retirement Bd.*, 68 Mass. App. Ct. 187, 190 (2007) (appeal period for judicial review under G.L. c. 30A, § 14(1) is jurisdictional); *Bowles v. Russell*, 551

Our power is limited by CRAB's governing statute, G.L. c. 32, § 16(4), which provides that DALA decisions:

shall be final and binding upon the board involved and upon all other parties, and shall be complied with by such board and by such parties, unless within fifteen days after such decision . . . either party objects to such decision, in writing, to the contributory retirement appeal board

Id. (in pertinent part, emphasis added). The filing deadline is jurisdictional – that is, it limits the jurisdiction of CRAB to hear the appeal. The Supreme Judicial Court has held that attempts to institute judicial appeals “after expiration of the period limited by a statute” are “repugnant to the procedural scheme.” *Schulte v. Director of the Div. of Employment Sec.*, 369 Mass. 74, 79 (1975). Time limits have particular significance in the context of administrative appeals due to the extremely large volume of such cases. Retirement boards need to know with reasonable certainty which cases are still subject to appeal in order to anticipate their potential liability for benefits. *See generally McLaughlin v. Boston Retirement Bd.*, No. SUCV2012-04354, Memorandum of Decision and Order (Suffolk Super. Ct. Jan. 13, 2014) (CRAB has no jurisdiction to hear late appeal), *s.c.*, *McLaughlin v. Boston Retirement Bd.*, CR-12-115 (CRAB Nov. 16, 2012) (no discretion to provide equitable relief from deadline); *MacDonald v. Barnstable County Retirement Bd.*, CR-09-326 (DALA Nov. 29, 2013) (same).

Conclusion. For these reasons, we dismiss the appeal for lack of jurisdiction.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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U.S. 205, 209, 214 (2007) (Federal courts had no jurisdiction to allow late appeal despite clerk's error in informing counsel of deadline).

Patrick M. Charles

Patrick M. Charles, Esq.
Public Employee Retirement Administration Commission
Appointee

Date: April 16, 2025