

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**Francis Bradley,**  
Petitioner

v.

Docket No.: CR-23-0480

Date Issued: Mar. 21, 2025

**Lawrence Retirement Board,**  
Respondent

**Appearance for Petitioner:**

Leigh A. Panettiere, Esq.

**Appearance for Respondent:**

Michael Sacco, Esq.

**Administrative Magistrate:**

Kenneth J. Forton

**SUMMARY OF DECISION**

The Petitioner, a Lawrence police officer, has met his burden of proof on causation and is entitled to accidental disability retirement benefits based on a claim of post-traumatic stress disorder from specific incidents during his career.

**DECISION**

Petitioner Francis Bradley timely appealed under G.L. c. 32, § 16(4) Respondent Lawrence Board of Retirement's denial of his application for accidental disability retirement. On October 30, 2023, DALA ordered the parties to file a joint pre-hearing memorandum, which they did on March 8, 2024. On September 12, 2024, I held a hearing via Webex. Officer Bradley was the only witness. I admitted exhibits 1–26d into

evidence. The parties submitted their closing briefs on January 10, 2025, at which point I closed the administrative record.

### **FINDINGS OF FACT**

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

1. From June 21, 1999, until his retirement on November 30, 2022, Francis Bradley worked as a Patrol Officer for the Lawrence, Massachusetts Police Department. (Exs. 5, 11.)

2. Officer Bradley responded to many disturbing and traumatizing calls throughout his career as both an officer and, before that, as an EMT. (Petitioner Testimony.)

3. On July 24, 2019, Officer Bradley's primary care physician, Dr. Steven Mullaney, diagnosed Officer Bradley with depression and noted his symptoms were aggravated by "conflict or stress and traumatic memories." (Ex. 18, pgs. 233, 524.)

4. On August 3, 2020, Officer Bradley was working as a dispatcher and dispatched his close friend Officer Carl Farrington to the scene of a reported breaking and entering. Officer Bradley was listening to the transmissions regarding the call and heard someone say, "officer down." Officer Farrington was intentionally hit by a vehicle and suffered life altering injuries that resulted in permanent disability. Officer Bradley saw a video of the incident from a camera on the street shortly after this incident. (Exs. 6, 26A, 26B, 26D; Petitioner Testimony.)

5. There are two videos of the incident on August 3, 2020. The first video, referenced as the "street video," shows footage of the street a few houses down from

where the hit-and-run occurred. The video depicts two officers arriving at a residence and parking in front of it. Approximately a minute later, a second police car arrives and pulls into the residence's driveway; Officer Farrington was in this second car. Thirty seconds later, the video shows someone near a rear corner of the police car quickly drop, evidenced by a flashlight falling to the ground. The civilian's car then drives over something, later found to be Officer Farrington, and speeds off. This is the video Officer Bradley saw shortly after the incident. Although it is difficult to see the details of the hit-and-run, when Officer Bradley watched the video, he knew that it was Officer Farrington who was hit, making the viewing of the video significantly more gruesome for Officer Bradley. (Ex. 23.)

6. The second video, which Officer Bradley has also viewed, referenced as the "parking lot video," is another angle of the incident from a camera on the property that shows the residence's parking lot. The first two officers arrive around 23 minutes into the video. A minute later, Officer Farrington arrives and gets out of the police car. Officer Farrington is seen on foot backing up behind the police car as the civilian's car is driving towards him to leave the property. The video depicts the perpetrator's car hitting the police car with enough force to move it. The perpetrator then drives over Officer Farrington, whose body can be seen lying behind the police car. The car then speeds off. This sequence happens within ten seconds. (Ex. 24.)

7. After this event, Officer Bradley struggled to do his job and routinely avoided going out on calls. He described his emotions as "horrible," saying he could not interact with people in the same way and was not sure he wanted to continue being a

police officer. He felt physically ill on his way to work and struggled with his personal hygiene. (Petitioner Testimony.)

8. Several months later, on November 27, 2020, Officer Bradley returned to his primary care physician and was diagnosed with anxiety. Dr. Mullaney also noted Mr. Bradley's depression and insomnia. (Ex. 18, pg. 317.)

9. On January 18, 2021, Officer Bradley responded to a call where a person, who was built the same way as his son, was shot and severely injured. Mr. Bradley performed CPR on the victim, who survived but became quadriplegic as a result of his injuries. Because of the resemblance to his son Mr. Bradley often thinks about this event and sometimes experiences guilt over saving him. (Exs. 13, 14, 15, 20; Petitioner Testimony.)

10. After this event, Officer Bradley had nightmares of approaching the victim's vehicle and seeing either his son or himself shot and in the car. Or, the victim is yelling at him because he is now paralyzed. Officer Bradley stated that he "wasn't who [he] was before" and that he "couldn't be the cop [he] wanted to be." He began to feel aggravated when he reported to work, had stomachaches, headaches, did not care about hygiene, and was mentally checked out. (Petitioner Testimony.)

11. Officer Bradley did not report his struggles because it was "something that you didn't tell the department." He believed he was preserving his career. He likewise did not seek counseling because he thought it would be detrimental to his career. (Petitioner Testimony.)

12. On October 14, 2021, Officer Bradley responded to a "shots fired" call but upon arrival realized that no shots had been fired. When returning to his vehicle, he

stepped into a pothole, fell, and broke his pinky finger while trying to brace his fall. He claimed that he had “brain fog” at the time he fell; however, he did not include this in his injury report. Officer Bradley explained he did not include this information because he did not want to seem weak or have his co-workers question his ability to have their backs. (Ex. 8; Petitioner Testimony.)

13. On October 14, 2021, Dr. Mullaney treated Officer Bradley for his pinky injury. Dr. Mullaney’s notes do not include any psychiatric symptoms or mention “brain fog” as the cause of the fall. (Ex. 18, pgs. 325-30.)

14. After this, Officer Bradley returned to work on light duty. He testified he was “doing his best” to perform his job prior to his heart attack. (Petitioner Testimony.)

15. On December 12, 2021, Officer Bradley reported to work but did not feel well, so the Sergeant sent him home. He did not return to work after this date. (Petitioner Testimony.)

16. On December 13, 2021, Officer Bradley continued to feel ill and went to Exeter Hospital and was found to be having a “massive heart attack.” He was diagnosed with acute myocardial infarction, congestive heart failure, tachycardia, hypertension, dyslipidemia, and abnormal liver function. He was then transferred to Portsmouth Regional Hospital and eventually brought to Massachusetts General Hospital (MGH). (Ex. 18, pgs. 366, 370, 762.)

17. On December 15, 2021, Officer Bradley underwent a five-vessel coronary artery bypass surgery at MGH. (Ex. 18, pg. 524.)

18. On January 16, 2022, Officer Bradley was discharged from the hospital. (Ex. 18, pg. 513.)

19. In February 2022, Officer Bradley began individual psychotherapy with therapist Thomas Greenhalgh. (Ex. 18, pg. 478.)

20. On May 4, 2022, Officer Bradley filled out a standard questionnaire at Dr. Mullaney's office. It asked: "over the last 2 weeks how often have you been bothered by any of the following problems: little interest or pleasure in doing things; feeling down, depressed, or hopeless; and thoughts that you would be better off dead, or of hurting yourself in some way." Officer Bradley responded "not at all" to all three questions. (Ex. 18, pg. 391.)

21. On June 27, 2022, then Lawrence Police Chief Roy Vasque filed an Involuntary Retirement Application seeking either accidental or ordinary disability retirement on Officer Bradley's behalf, citing the Heart Law, G.L. c. 32, § 94. (Ex. 10.)

22. On November 30, 2022, the Lawrence Retirement Board denied the involuntary application for accidental disability because it determined that Officer Bradley had pre-existing hypertension and a hypertensive reading at his pre-employment screening and therefore was not entitled to the benefit of the Heart Law. (Exs. 5, 11.)

23. At the same meeting, the Board involuntarily retired Mr. Bradley for ordinary disability finding that he was "permanently unable to perform his position's essential duties" because of his heart condition. (Exs. 5, 11.)

24. On December 8, 2022, Officer Bradley filed a timely appeal of the denial of the involuntary application for accidental disability retirement. It was assigned DALA docket number CR-22-0603 and has been stayed pending the outcome of this appeal. (Ex. 12.)

25. On December 22, 2022, Officer Bradley had an intake assessment at On-Site Academy, a post-traumatic stress disorder (PTSD) and addiction treatment center specializing in first responders. His listed problems included “difficulty sleeping, nightmares, [and] waking up in cold sweats.” He noted that the January 2021 shooting as a “critical incident.” He was admitted for a five-night stay from January 2 to January 6, 2023. (Ex. 18, pgs. 480-95.)

26. After he attended On-Site, Officer Bradley began attending a PTSD-centered support group weekly. (Petitioner Testimony.)

27. At On-Site Academy, Officer Bradley had two eye movement desensitization and reprocessing therapy (EMDR) sessions.<sup>1</sup> In his first session he focused on his heart attack and in the second he talked about an officer who had committed suicide. He claimed that he wanted to talk about the January shooting in the first session, but the counselor suggested focusing on the heart attack. At the second session he alleged that a Lowell police officer committed suicide the day before his session, which brought up memories of a colleague who had committed suicide years prior. (Ex. 18, pgs. 491-92, 503-04; Petitioner Testimony.)

28. On December 26, 2022, Officer Bradley’s therapist, Mr. Greenhalgh, wrote a letter to the Board concerning Officer Bradley’s treatment. He stated that Officer Bradley sought treatment regarding “critical incidents he has encountered during his

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<sup>1</sup> EMDR is a mental health therapy method and is best known for treating PTSD. This method involves moving your eyes a specific way while you process traumatic memories. The goal of EMDR is to change a person’s emotions, thoughts, or behaviors that result from a distressing experience. EMDR Therapy, Cleveland Clinic, EMDR Therapy: What It Is, Procedure & Effectiveness (last reviewed on Mar. 29, 2022).

service” and specifically referenced the January 2021 shooting. He reported that Officer Bradley conveyed feeling angry and had issues sleeping. (Ex. 20.)

29. On January 11, 2023, Officer Bradley filed a Member’s Application for Disability Retirement, this time seeking to be retired for accidental disability based on PTSD and non-presumption cardiac disability. He claims that he ceased the ability to perform all his essential duties on January 18, 2021. (Ex. 3.)

30. In his Physician’s Statement, Dr. Mullaney stated that Officer Bradley was incapacitated by PTSD and that his history of traumatic incidents on the job, specifically the August 4, 2020, January 18, 2021, and October 14, 2021, incidents, caused his incapacity. He opined that although Officer Bradley’s PTSD symptoms may abate, they will “always be re-triggered by the stress of [the] police job.” (Ex. 4.)

31. A regional medical panel of three psychiatrists—Drs. Michael Braverman, Melvyn Lurie, and Michael Kahn—individually examined Officer Bradley on July 31, 2023, August 9, 2023, and August 10, 2023, respectively. The medical panel unanimously affirmatively answered the incapacity, permanence, and causation questions. Officer Bradley reported the August 4, 2020, January 18, 2021, and October 14, 2021, incidents to all three physicians. (Exs. 13, 14, 15.)

32. Dr. Braverman opined that Officer Bradley is disabled from his occupation due to the January 18, 2021, incident which “aggravated his condition resulting in the psychiatric incapacity from which he still suffers.” Dr. Braverman stated that Officer Bradley seemed “tense, stressed, dysphoric, becoming more upset when recounting the traumatic events.” He noted that throughout 2021 Officer Bradley’s PTSD intensified, leading to “reluctance to take calls on the street, disturbing memories, phobic avoidance,



depression, [and] irritability.” Dr. Braverman explains that his report is based on “records of his treatment providers and clinical assessment during the psychiatric evaluation.” (Ex. 13.)

33. Dr. Lurie noted that Officer Bradley seemed distressed when discussing the specific traumatizing events, describing that he kept stopping and “filling up with emotion.” Mr. Bradley said after the August 4, 2020 incident he was not himself and did not go “above and beyond” anymore. After the January 18, 2021 event his symptoms worsened, he started having nightmares, became irritable, had difficulty concentrating, and avoided going out on calls. Officer Bradley said the October 14, 2021 fall was due to his lack of concentration, which Dr. Lurie believed was a symptom of his PTSD. Dr. Lurie opined that Officer Bradley could not perform his job duties due to his “intractable anxiety, a feature of PTSD,” and its severity “is such that he wouldn’t react well to stressful situations.” He also stated that Officer Bradley’s job function began to deteriorate after August 4, 2020, but he ceased to be able to do his job after the event on January 18, 2021. Dr. Lurie opined that it was “more likely than not that the disability was aggravated by the condition or event described on January [18], 2021.” (Ex. 14.)

34. Dr. Kahn reported that after the January 18, 2021, event, Officer Bradley became “increasingly irritable and depressed, his self-care suffered . . . had a hard time controlling his temper . . . began dreading going to work and feeling overwhelmed with anxiety and depression.” It was Dr. Kahn’s impression that “his disability was a result of the January 2021 incident” and it “clearly provoked an outpouring of symptoms . . . he became increasingly symptomatic, and developed symptoms consistent with depression and PTSD, with poor self-care and increased irritability as well as mental preoccupation.”

Dr. Kahn opined that Officer Bradley was only “marginally functional” as a police officer when he worked after the January 18, 2021, incident. (Ex. 15.)

35. On September 26, 2023, the Board denied Officer Bradley’s voluntary application for accidental disability retirement based on his PTSD because it was not satisfied that there was sufficient medical evidence to support incapacity or causation. (Ex. 1.)

36. On September 28, 2023, Officer Bradley timely appealed. This appeal was assigned DALA docket number CR-23-0480. (Ex. 2.)

### **CONCLUSION AND ORDER**

After careful consideration of the evidence presented in this case, the Board’s denial of Officer Bradley’s application for accidental disability retirement benefits is reversed.

Applicants bear the burden of proving by a preponderance of the evidence they are entitled to accidental disability retirement. *Lisbon v. Contributory Retirement Appeal Bd.*, 41 Mass. App. Ct. 246, 255 (1996). To qualify, applicants must prove total and permanent disability by reason of a personal injury sustained or a hazard undergone as a result of, and while in the performance of, their duties. G.L. c. 32, § 7. Applicants must also receive a majority positive medical panel, concluding that they are incapable of performing the essential duties of the job, the incapacity is permanent, and the incapacity might be the natural and proximate result of the personal injury sustained or hazard undergone in the course of employment. *See Malden Ret. Bd. v. Contributory Ret. Appeal Bd.*, 1 Mass. App. Ct. 420, 423 (1973); *Jason J. v. Revere Ret. Bd.*, CR-22-0360, at \*4, 2024 WL 1616167 (DALA, Apr. 5, 2024).

A member is eligible for accidental disability only for an injury that occurred “within two years prior to the filing of such an application.”<sup>2</sup> G.L. c. 32, § 7(1). Officer Bradley did not return to work after his debilitating heart attack on December 12, 2021. However, it is not required that the reason for the member stopping work be his disability, but the member must still prove causation and inability to perform his job duties because of the disability specified in the application. *Sagendorph v. Hampden County Reg’l Ret. Bd.*, CR-21-631, at \*6 (DALA, July 21, 2023). Officer Bradley alleges he became incapacitated from performing his duties after the shooting on January 18, 2021. Because he applied on January 11, 2023, this event is within the two-year statutory period. Officer Bradley claims that the August 4, 2020, accident involving his friend Officer Farrington also caused his PTSD. However, this incident is not a compensable injury, as it occurred two years prior to the application and it does not fall under an exception to this time bar.<sup>3</sup> It does however support the theory that Officer Bradley began suffering PTSD more than two years before he filed his application.

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<sup>2</sup> Exceptions to the two-year restriction include if the retirement board had written notice of the injury by the member or on his behalf within ninety days after its occurrence or if the member received workers compensation on account of such injury. G.L. c. 32, §§ 7(1); 7(3)(b). Neither are applicable to this case.

<sup>3</sup> G.L. c. 32, § 7(1) allows applicants to base disability claims on injuries occurring more than two years before the application is filed if notice of the injury was filed with the retirement board within 90 days after its occurrence. G.L. c. 32, § 7(3) allows Group 4 employees like Officer Bradley to base disability claims on injuries occurring more than two years before the application is filed “if a record of such injury sustained or hazard undergone is on file in the official records of his department.” *See also* G.L. c. 32, § 3(2)(g) (group classification statute). None of the incidents that occurred more than two years before Officer Bradley filed his application qualify for either of these exceptions.

While the August 4, 2020 incident could not alone be the basis of Officer Bradley's application, it appears to have contributed to his PTSD. An applicant may seek accidental disability retirement based on an injury that aggravated an underlying condition to the point of disability. *Burchell v. Barnstable County Ret. Sys.*, CR-20-0204, at \*13-14 (DALA, Apr. 23, 2021). On August 4, 2020, Officer Bradley witnessed on video his close friend Officer Farrington being hit by a car, causing permanent disability. This event traumatized Officer Bradley and triggered PTSD symptoms; he credibly testified that his symptoms included getting physically sick on the way to work, avoiding interacting with co-workers, and overall being in a "horrible mood." Yet, at this time he was still capable of performing his duties. Although this incident is not a compensable injury, it contributed to his PTSD, which was aggravated to the point of disability after January 18, 2021. *See id.* (explaining an applicant may still qualify for accidental disability retirement for PTSD when symptoms begin after a prior traumatizing event, if a recent incident caused the disability).

The Board accuses Officer Bradley of fabricating his PTSD claims, arguing there is no evidence corroborating his testimony, and alleges he made the claim for accidental disability retirement for PTSD only because the Board denied the involuntary retirement Heart Law application. Admittedly, the timing of the claims does not contradict the Board's theory. However, Officer Bradley explained several times that the culture of his workplace did not make it easy or acceptable to report these types of injuries or symptoms. It is not unusual for a person to delay acknowledging or reporting his PTSD symptoms, especially because of the stigma that exists in public safety jobs. *See George G. v. Boston Ret. Sys.*, CR-23-0366, at \*2 (Dec. 6, 2024) (explaining that the petitioner

did not want to retire at first for PTSD symptoms because of the “stigma of ‘faking’ a disability retirement”); *Jason J.*, supra, at \*2 (describing a general stigma in police officer culture associated with expressing emotional problems and the fear that if they communicated their feelings they would lose their jobs).

A member’s “refusal to recognize earlier that he should no longer be working as a police officer . . . does not change the fact . . . that [he] was disabled by PTSD from serving as a police officer before he actually stopped working.” *Scipione v. Barnstable County Ret. Bd.*, CR-12-196, at \*28-29 (DALA Sept. 4, 2015). After the January 18, 2021, shooting, Officer Bradley should likely not have been working as a police officer. His symptoms included aggravation when he reported to work, stomachaches, headaches, not caring about hygiene, and being mentally checked out. Officer Bradley explained that he was “doing his best” prior to his heart attack. He had nightmares and stated that he wasn’t who he was before. He did not seek counseling because he thought it would be detrimental to his career.

Officer Bradley testified that he fell on October 14, 2021, while experiencing “brain fog” from his PTSD. He filed an injury report, but did not mention that “brain fog” caused the fall. He also did not report this information to his primary care physician. Officer Bradley testified that he did not file anything with the department because he did not want to show weakness or have his co-workers question his ability to have their backs. The fall is further evidence of Officer Bradley’s mental state and his inability to perform his job after the shooting.

Officer Bradley did not report his struggles because it was “something that you didn’t tell the department,” and he believed by hiding his symptoms he was preserving

his career. It was not until after his heart attack that he realized he needed to seek treatment. He began counseling in February 2022, likely because the threat of the consequences for discussing the impact of his PTSD was no longer hanging over his head. *See Jason J.*, *supra* (explaining a member can still qualify for accidental disability retirement even if he does not report his PTSD symptoms or immediately seek treatment after a traumatic event).

Moreover, Officer Bradley received a unanimous medical panel certificate for his PTSD claim. The medical panel's function is to determine medical questions which are beyond the common knowledge and experience of local board members. *Malden Ret. Bd. v. Contributory Ret. Appeal Bd.*, 1 Mass. App. Ct. 420 (1973). "The panelists are vested with statutory responsibility for expert questions of medicine; they also are prequalified by [the Public Employee Retirement Administration Commission] as trustworthy experts in their fields." *Hines v. Dukes County Ret. Sys.*, CR-18-0357, at \*3 (DALA Oct. 25, 2024), *quoting Christopher C. v. Boston Ret. Bd.*, CR-19-342, at \*7 (DALA May 5, 2023). The panelists' review is not limited to their one appointment with the petitioner; they are additionally provided with the medical records collected by the applicant and the board. *See* 840 CMR 10.08(6).

The medical panel, after reviewing Officer Bradley's medical records and conducting an evaluation of him, unanimously concluded that he was disabled due to his PTSD and it was likely caused by the January 18, 2021, event. Dr. Kahn opined that "his disability was the result of the January 2021 incident," and Dr. Lurie similarly agreed that it was "more likely than not that the disability was aggravated by the condition or event described on January [18], 2021." Dr. Braverman stated the January 18, 2021, incident

“aggravated his condition resulting in the psychiatric incapacity from which he still suffers.” Although these opinions “go beyond the statutory question of medical “possibility,” they “may . . . be considered . . . on the [ultimate] question of causality.” *Christopher C. , supra*, at \*7; *Narducci v. Contributory Ret. Appeal Bd.*, 68 Mass. App. Ct. 127, 134-35 (2007). The medical panels’ assessments are consistent with Officer Bradley’s testimony and have not been rebutted by the Board with any other theory of the cause of Officer Bradley’s disability.

Based on Officer Bradley’s testimony, his medical records, and the medical panel’s evaluations, I find that Mr. Bradley has proven by a preponderance of the evidence that the January 18, 2021 shooting aggravated his underlying PTSD to the point that he was permanently disabled from performing his job duties.

For the above-stated reasons, the Board’s decision denying the petitioner’s application for accidental disability retirement is REVERSED.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

*/s/ Kenneth J. Forton*

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Kenneth J. Forton  
Administrative Magistrate

Dated: Mar. 21, 2025