COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS

Middlesex, ss.

David Britt,
Petitioner, Docket No. CR-24-0360

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: *Pro se*
For Respondent: Brendan McGough, Esq.

Administrative Magistrate:

Bonney Cashin

Summary of Decision

The petitioner's applications for Group 4 classification are not for positions named in G.L. c. 32, § 3(2)(g). The decision of the State Board of Retirement is affirmed.

DECISION

Introduction

On June 13, 2024, petitioner David Britt timely appealed under G.L. c. 32, § 16(4), the May 31, 2024 decision of the State Board of Retirement, which denied his application for classification in Group 4.

Without objection, the Division of Administrative Law Appeals (DALA) scheduled this matter to be decided on the parties' written submissions under 801 CMR 1.01(10)(b). Mr. Britt submitted an argument, and the State Board submitted proposed exhibits and an argument. I admit the following exhibits into the record and mark them 1-6.

1. Group Classification Application for Investigator Officer position filed May 10, 2024.

2. Group Classification Application for DEA[1] Field Agent position filed May 10, 2024.
3. State Board Decision issued May 31, 2024.
4. Appeal filed June 13, 2024.
5. Email correspondence between State Board and Norfolk County Sheriff's Office (3 pages).
6. Email correspondence between Contributory Retirement Appeal Board (CRAB) and DALA.

On my own accord, I also admit certain exhibits filed in Mr. Britt's earlier appeal, assigned Docket No. CR-22-0157. The parties did not object to the admissibility of these exhibits in the earlier proceeding. For this proceeding, I renumbered these exhibits as follows:

7. Petitioner's Retirement Application.
8. Group Classification Application for Investigator, including job description, filed February 16, 2022.

FINDINGS OF FACT

Based upon the evidence in the record and the reasonable inferences from it, I make the following findings of fact:

1. David Britt was employed by the Norfolk County Sheriff's Office from 1992 until he retired on April 2, 2022. (Exhibit 6.)

2. On May 10, 2024, Mr. Britt filed two applications for classification in Group 4. (Exhibits 1, 2.)

[1] United States Drug Enforcement Agency.

3. In one application, he sought classification in Group 4 for a position titled "Investigative Officer" for employment periods April 20, 2008-May 22, 2011, and May 8, 2018-April 2, 2022. (Exhibit 1.)

4. In his other application, it appears that Mr. Britt typed his employment period as 2011 to 2018 and his position as "Task Force Officer." Someone (most likely the Human Resources person who completed this portion of the application) drew a line through the typed entry and entered by hand the employment period as May 23, 2011 to May 7, 2018, and the position as "DEA Field Agent." (Exhibit 2.)

5. According to Mr. Britt's supervisor, who signed the employing agency's portion of the group classification application and wrote an email on his behalf, Mr. Britt was a field agent working with the DEA under an interagency agreement in 2011-2018. (Exhibits 1, 2, 5.)

6. On May 31, 2024, the State Board denied Group 4 classification for the positions of Investigator Officer and Task Force Officer. (Exhibit 3.)

7. Mr. Britt filed a timely appeal with DALA on June 13, 2024. (Exhibit 4.)

8. Mr. Britt had also appealed the State Board's denial of a group classification application he filed in 2022. (Exhibits 9, 10.)

9. In his 2022 application, Mr. Britt sought Group 4 classification for his work from September 9, 1999 to February 15, 2022, in a position titled "Investigator." The Norfolk County Sheriff's Office job description for an Investigator is the only job description in the record. (Exhibit 8.)

10. DALA denied his appeal of the 2022 application in an Order Granting Summary Decision issued on May 17, 2024. No party appealed the decision to CRAB, and CRAB did not issue an order that it would review the decision on its own. (Exhibit 7.)

DISCUSSION

The group classification system under G.L. c. 32, § 3(2)(g) is one aspect of how a public employee's retirement benefits are calculated. For the most part, classification in Groups 1 through 3 relies on examining an employee's "regular and major duties." *Maddocks v. Contributory Ret. App. Bd.*, 369 Mass. 488, 493 (1976).

But Group 4 identifies eligible employees by "naming their positions or titles rather than by describing the type of work they perform." *Gaw v. Contributory Ret. App. Bd.*, 4 Mass. App. Ct. 250, 254 (1976). As relevant in this matter, Group 4 includes "the sheriff, superintendent, assistant superintendent, assistant deputy superintendent and correction officers of county correctional facilities." G.L. c. 32, § 3(2)(g). This language is unambiguous. *See Leary v. Contributory Ret. App. Bd*., 421 Mass. 344, 345 (1995). Its reliance on job titles rather than actual job duties is clear. *See Hunter v. Contributory Ret. App. Bd*., 80 Mass. App. Ct. 257, 260-61 (2011).

Nothing in the summary above about group classification is new to Mr. Britt. I rely on the Order Granting Summary Decision issued in Mr. Britt's 2022 appeal. The time periods in his 2024 application are within the larger time period referenced in his 2022 application. While the job titles differ in his 2022 and 2024 applications, the fact remains that none of the job titles match those set forth in c. 32, § 3(2)(g), as eligible for Group 4 classification. This remains true

whether you consider his position title in 2011-2018 as Task Force Officer or DEA Field Agent. *See* Finding 4.

DALA (and CRAB) are without authority to alter the statutory requirements of the retirement law. *See Bristol Cnty. Ret. Bd. v. Contributory Ret. App. Bd.*, 65 Mass. App. Ct. 443, 451-52 (2006), *Petrillo v. Public Emp. Ret. Admin.,* No. CR-92-731, at *1 (Contributory Ret. App. Bd. Oct. 22, 1993). In 2024, CRAB confirmed that "DALA and CRAB simply do not have the authority to provide equitable relief where it contravenes the retirement law." *Banks v. State Bd. of Ret.,* No. CR-24-0068, 2024 WL 3770229, at *2 (Contributory Ret. App. Bd. Jul. 3, 2024).

CONCLUSION

The State Board's decision is affirmed. Mr. Britt's applications for Group 4 classification are not for positions named in G.L. c. 32, § 3(2)(g).

DIVISION OF ADMINISTRATIVE LAW APPEALS

Bonney Cashin

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Bonney Cashin
Administrative Magistrate

DATED: September 19, 2025