

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Kimberly Camara-Boyer,**  
Petitioner,

No. CR-25-0221

Dated: May 23, 2025

v.

**Massachusetts Teachers' Retirement System,**  
Respondent.

**ORDER OF DISMISSAL**

This is an appeal from a decision of the Massachusetts Teachers' Retirement System (MTRS) to exclude petitioner Kimberly Camara-Boyer from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). A prior order required Ms. Camara-Boyer to show cause why the appeal should not be dismissed for failure to state a claim. She has timely filed a responsive memorandum and exhibits, pleading the following facts.

In 1998, Ms. Camara-Boyer became a special education teacher and a member of a local retirement system. In September 2002, she took a job in the Attleboro Public Schools. Her retirement-system membership then transferred to MTRS. On instructions from MTRS, Ms. Camara-Boyer's new employer deducted retirement contributions from her pay at the enlarged Retirement Plus rate of 11%.

In 2023, Ms. Camara-Boyer learned that a new Retirement Plus enrollment opportunity was open to "transfer" teachers, i.e., those who had joined MTRS after first belonging to other systems. *See* Acts 2022, c. 134, § 3. Ms. Camara-Boyer was told by a representative of her union that "if [she] was contributing a flat 11% then [she] was already a Retirement Plus member." Ms. Camara-Boyer therefore took no action.

In 2025, MTRS reviewed Ms. Camara-Boyer's records, determined that she is not properly enrolled in Retirement Plus, and so informed her in a formal decision. Ms. Camara-Boyer timely appealed.

Taken as true, Ms. Camara-Boyer's pleadings do not state a claim upon which relief can be granted. In 2001, when Retirement Plus came into effect, Ms. Camara-Boyer—not being a member of MTRS—was not eligible to enroll. *See* Acts 2000, c. 114, § 2. Her opportunities to join the program came on two subsequent occasions. She could have enrolled within 180 days of transferring into MTRS. *See* Acts 2000, c. 114, § 2; 807 C.M.R. §§ 13.02, 13.04. Having missed that first opportunity, she could have enrolled during the first half of 2023. *See* Acts 2022, c. 134, § 3. On either occasion, enrollment would have required Ms. Camara-Boyer to present MTRS with a signed document stating her wish to participate in the program. *See* 807 C.M.R. §§ 13.02, 13.04; *Fillmore v. Massachusetts Teachers' Ret. Syst.*, No. CR-23-358, 2024 WL 277245 (Div. Admin. Law App. Jan. 5, 2024). Ms. Camara-Boyer does not claim to have satisfied this requirement.

The pleadings describe a potentially unfair situation. The combined actions of Ms. Camara-Boyer's retirement system, employer, and union representative may have hindered her likelihood of accomplishing an effective Retirement Plus enrollment.<sup>1</sup> But these circumstances do not amount to a viable claim for relief. The rules that govern participation in Retirement Plus were prescribed by the Legislature. The effect of statutes about retirement benefits does not hinge on the information provided to affected members individually. *See Awad v. Hampshire*

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<sup>1</sup> In other dockets, MTRS has reported on extensive efforts to inform transfer teachers about their eligibility to enroll in Retirement Plus during the first half of 2023. Ms. Camara-Boyer does not say whether she received any communications from MTRS then or what any such communications might have said.

*Cty. Ret. Bd.*, No. CR-08-621, 2014 WL 13121791, at \*3 (Contributory Ret. App. Bd. Dec. 19, 2014); *In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023). Even a member's reliance on misinformation from government employees is not capable of changing the member's statutorily prescribed entitlements. *See Clothier v. Teachers' Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010); *Moynihan v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 1108 (2024) (unpublished memorandum opinion). More generally, administrative tribunals lack the power to sidestep statutory rules for the purpose of alleviating unfair or unfortunate outcomes. *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 446, 450-51 (2006); *Roussin v. Boston Ret. Syst.*, No. CR-23-28, 2024 WL 2956657, at \*2 (Contributory Ret. App. Bd. June 3, 2024).

In view of the foregoing, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate