

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Deirdre Carty,
Petitioner,

No. CR-25-0234

Dated: May 23, 2025

v.

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. 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. Acts 2000, c. 114, § 2.

A prior order explained that teachers who missed the mid-2001 deadline generally cannot join Retirement Plus at a later date. *See Roldan-Flores v. Massachusetts Teachers' Ret. Syst.*, No. CR-18-311, 2020 WL 14009727 (Contributory Ret. App. Bd. Dec. 10, 2020). The Legislature made no exceptions from this rule for individuals who were not well-informed about the program in 2001 or whose participation in it would ease their current circumstances. *See generally In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023).

The prior order therefore required the petitioner to show cause why the appeal should not be dismissed for failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(3). She was advised that failure to make that showing or to respond would result in dismissal of the appeal.

The petitioner has filed no response. Her deadline has expired. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate