

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Robert Connor,

Petitioner

Docket No.: CR-25-0453

v.

**Middlesex County Retirement System,
Public Employee Retirement Administration Commission, and
Worcester Regional Retirement System,**
Respondents

Appearances:

For Petitioner: James Hykel, Esq.

For Respondent Middlesex County: Thomas F. Gibson, Esq.

For Respondent PERAC: Felicia Baruffi, Esq.

For Respondent Worcester Regional: Linda Champion, Esq.

Administrative Magistrate:

Eric Tennen

SUMMARY OF DECISION

The Petitioner was the Fire Chief for town of Littleton. After one of his firefighters suffered a stroke, he visited the firefighter in the hospital during a workday and in his capacity as the Fire Chief. The visit involved, among other things, a conversation about the firefighter's work status, leave of absence, and possible change of duties; it also allowed the Petitioner to assess the firefighter's overall fitness for duty. The aftermath of the visit ultimately caused the Chief to develop permanent and disabling PTSD symptoms. Because the visit was part of the Chief's job duties, he is entitled to accidental disability retirement.

INTRODUCTION

Pursuant to G.L. c. 32, § 16(4), the Petitioner timely appeals the Middlesex County Retirement System's ("Middlesex") decision taking no action on his application for accidental disability retirement.¹ After the appeal was docketed, DALA allowed Middlesex's motion to add

¹ Middlesex initially approved the Petitioner's application. However, the Public Employee Retirement Administration Commission (PERAC) determined that decision was not supported by

the Worcester Regional Retirement System as a party. I held an in-person hearing on June 22, 2026. The Petitioner was the only witness. I entered exhibits 1-29 into evidence. After the hearing, the Petitioner submitted another exhibit, without objection, which I now enter into evidence as exhibit 30. I gave the parties an opportunity to file closing briefs. The Respondents all waived filing a brief; the Petitioner filed his on August 31, 2026.

FINDINGS OF FACT

1. In 2006, Robert Connor began his career as a professional firefighter. He worked in various departments, including some in Worcester. After more than a decade in the profession, he was appointed Fire Chief for the town of Littleton in April 2022.

(Testimony; ex. 7.)
2. The Fire Chief wears many hats: he is the Chief Administrative Officer, Senior Emergency Services Administrator, Chief Fire Officer, Commanding Officer, Emergency Management Director, and Forest Fire Warden for the town. (Ex. 7.)
3. According to the Fire Chief's job description, the Petitioner's responsibilities include responding, when serving as the on-duty shift commander, to emergency calls as needed or upon request. Such responses include, but are not limited to, box alarms, structure fires, motor vehicle crashes, industrial accidents, and other emergency incidents. Also, the Fire Chief is responsible for planning and executing the department's programs, services, and personnel direction; this includes having the general responsibility for all department employees, including full-time firefighters and

substantial evidence and remanded the matter back to Middlesex. After further consideration, Middlesex voted to take no further action and issued the Petitioner a notice of appeal rights.

paramedics. (Testimony; ex. 8.)

4. The Petitioner's employment agreement has a cellular phone provision which specifically recognizes that he is expected to conduct department business outside of the department facilities. (Ex.7.)
5. He typically worked an administrative schedule from 9:00am to 5:00pm, Monday through Friday. However, he was also on call to respond to certain emergencies off hours, which was often. (Testimony.)
6. The town has a "strong chief," a colloquial term from the statute creating the position. G.L. c. 48, §§ 42-44. The statute essentially empowers the Chief to run the department as he sees fit. This includes, among other things, having final authority for all employment matters. Because of this, the Petitioner handled a variety of personnel matters including discipline, processing leave requests, determining fitness for duty, and more. (Testimony.)
7. The Petitioner believed good morale was important to a well-functioning department. He would find ways to support his employees on and off the job. For example, in the fall of 2022, one of his firefighters was hospitalized after an off-duty accident. This firefighter had questions about the consequences to his job, such as medical leave, possible discipline, and the financial impact of his absence. The Petitioner visited the firefighter at the hospital to talk about these issues and help him prepare paperwork for his leave. (Testimony.)
8. The Petitioner considered this part of his job duties. (Testimony.)
9. In December 2022, a different firefighter suffered a stroke and was hospitalized. The

stroke was particularly debilitating. The Petitioner received text messages from the firefighter, but they were difficult to understand. Therefore, the firefighter's wife began texting with the Petitioner to ask about various work-related issues relative to this incident. (Testimony.)

10. They texted back and forth about the firefighter's status and whether the Petitioner could create a different position within the department for the firefighter. The Petitioner and the firefighter's wife arranged for the Petitioner to come visit the firefighter in the hospital to discuss these issues and generally check in with him. This would also allow the Petitioner to assess the firefighter's fitness. (Testimony; ex. 30.)
11. While acting in his official capacity as Fire Chief, and during working hours, the Petitioner visited the firefighter at the hospital. He was in uniform, with his radio, and drove a department vehicle. (Testimony.)
12. While the Petitioner was there, they talked about who would take on the firefighter's duties in his absence, his status as an employee, whether he could do something requiring light duty, and what support the department could provide. (Testimony.)
13. The Petitioner was also in the room when a neurosurgeon came in to talk about the firefighter's status. Because the firefighter's wife was not there, he asked the Petitioner if he could stay, listen, and then relay the information to his wife. The Petitioner agreed and was present while the neurosurgeon gave graphic details about the necessary surgery. The Petitioner then spoke to the doctor about the firefighter's prognosis. (Testimony.)
14. Soon after leaving the hospital, the Petitioner experienced a sudden loss of awareness,

later describing that he lost consciousness of who he was and what he was doing. When he returned to his vehicle, he began experiencing flashbacks to prior emergency calls, including intrusive images of the firefighter he had just visited in the hospital and the firefighter's brain surgery. He also recalled other traumatic incidents, including finding a fifteen-year-old who had died by hanging and the death of a close friend in a motor vehicle accident. This later developed into hallucinations, like images of spiders coming out of skull holes. From that point forward, the Petitioner reported experiencing dissociation, distress, and symptoms he identified as consistent with PTSD. These symptoms have continued to the present. (Testimony; exs. 1 & 6.)

15. The Petitioner filed an application for accidental disability retirement. (Ex. 1.)
16. A joint medical panel evaluated him and unanimously certified his eligibility for accidental disability retirement. In short, they found he had posttraumatic stress disorder brought on by his exposure to numerous traumatic incidents and triggered by his experience visiting his colleague in the hospital. (Exs. 5 & 6.)
17. After Middlesex voted to approve his application, PERAC remanded the application indicating that the incident did not appear to have occurred in the performance of the Petitioner's duties as Fire Chief. (Ex. 14.)

DISCUSSION

G.L. c. 32, § 7(1) "provides benefits only for those who experience a personal injury not merely as a result of the performance of work duties, but during the performance of these duties as well." *Ret. Bd. of Salem v. Contributory Ret. App. Bd.*, 453 Mass. 286, 291 (2009). "Accidental disability retirement is not available to an employee who is hurt, even

during working hours, while performing a non-duty.” *Molina v. Boston Ret. Bd.*, CR-22-0412, 2026 WL 2198890, *7 (Div. Admin. Law Apps. July 24, 2026), citing *Namvar v. Contributory Ret. App. Bd.*, 422 Mass. 1004, 1005 (1996). Whether something is a work duty is a fact-specific inquiry which can be proven through a job description and/or testimony. *Id.*; *Murphy v. Contributory Ret. App. Bd.*, 463 Mass. 333, 351 (2012).

None of the Respondents dispute that the Petitioner is permanently disabled, and that his disability was caused by his experience visiting his colleague at the hospital. PERAC’s initial position was that the Petitioner’s visit to the hospital was not a work duty. After the hearing, PERAC indicated it wanted to see exhibit 30, a series of text messages between the Petitioner and the firefighter’s wife, before formulating a closing argument. After the Petitioner forwarded the exhibit, PERAC decided to waive its closing argument—as did the other Respondents. Thus, it is not clear whether PERAC is still pressing its case.

Nevertheless, the record supports the Petitioner’s position that what he was doing at the hospital was part of his job duties. His job description explained that he was in charge of personnel issues. His testimony elaborated on these duties. He was responsible, for example, for processing leave requests and determining fitness for duty. Also, keeping morale high was integral to a well-functioning department. These were all duties the Petitioner was performing when he visited the injured firefighter at the hospital. The visit occurred during the workday and at the request of the firefighter (through his wife). It is of no moment that the conversation took place at the hospital. If the conversation occurred at the firehouse, it seems unlikely anyone

would question whether this was one of the Petitioner's duties.² But the conversation had to happen at the hospital because the firefighter was obviously bed bound.

CONCLUSION

Because the Petitioner was performing a job duty when he became permanently disabled, he is entitled to accidental disability retirement. Middlesex's decision to take no further action on his application is *vacated* and the matter is remanded for it to take further action consistent with this decision.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: /s/ Eric Tennen

Eric Tennen
Administrative Magistrate

² It is possible PERAC originally did not view this interaction as part of the Petitioner's job duties because, based on the record before it, it may have seemed as if he was just visiting a friend at the hospital to see how he was doing. But I credit the Petitioner's testimony that his visit was much more than that.