

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Karen Corrado,
Petitioner,

No. CR-25-0161

Dated: April 18, 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 Karen Corrado from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). A prior order directed Ms. Corrado to show cause why the appeal should not be dismissed for failure to state a claim. She has timely filed a responsive memorandum and several exhibits.

Retirement Plus came into effect on July 1, 2001. Ms. Corrado was then already a teacher and a member of MTRS. As a result, in order to participate in Retirement Plus, Ms. Corrado was required to file an enrollment document during the first half of 2001. *See* Acts 2000, c. 114, § 2. She acknowledges that she did not do so.

In her memorandum, Ms. Corrado states that she never received a Retirement Plus enrollment form, only inadvertently refrained from enrolling, and in fact believed for some time that she was participating in the program. She adds that her appeal is supported by considerations of leniency, equity, and fairness.

Ms. Corrado's contentions do not state a viable claim to relief. The rules that govern Retirement Plus were prescribed by the Legislature. Statutes generally take effect promptly upon being enacted, regardless of whether specific individuals received personal notifications about them. *See Awad v. Hampshire Cty. Ret. Bd.*, No. CR-08-621, 2014 WL 13121791, at *3

(Contributory Ret. App. Bd. Dec. 19, 2014). The terms of the Retirement Plus statute are strict: they do not leave room for late enrollments in cases of inadvertence, hardship, or good cause. *See Roussin v. Boston Ret. Syst.*, No. CR-23-28, 2024 WL 2956657, at *2 (Contributory Ret. App. Bd. June 3, 2024). And administrative tribunals are powerless to override the Legislature’s prescriptions on the basis of “equitable” considerations. *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 446, 450-51 (2006).

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