

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
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Docket No: CR-25-0034

Michael Coutinho,
Petitioner

v.

State Board of Retirement,
Respondent

Date: 5/16/2025

DISMISSAL

Petitioner is seeking a refund of payments he made to purchase service credit for his military service. He seeks the refund because he has now been retired for accidental disability, which is calculated as 72% of his salary and does not rely on the years of service credit he had accumulated.

On April 7, 2025, Petitioner was ordered to show cause no later than April 30, 2025 why this appeal should not be dismissed for failure to state claim upon which relief may be granted. I explained to him that the only way to get such a refund was in the event that he terminates his service, does not retire, or severs his relationship with the retirement system by taking a refund of his entire retirement account. *See Halmon v. State Bd. of Ret.*, CR-01-407 (Contributory Ret. App. Bd. Aug. 17, 2001). As he has already been retired for accidental disability, he is not eligible to take any of these actions. He is therefore not entitled to a refund. Petitioner was informed that failure to show cause meant that the appeal would be dismissed.

The Petitioner failed to respond to the Order to Show Cause. Accordingly, this matter is hereby **DISMISSED**.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

Notice sent to: Michael Coutinho
Jennifer Hunt, Esq.