

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Anthony Crupi,
Petitioner,

No. CR-25-0003

Dated: April 25, 2025

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner Anthony Crupi appeals from a decision of the State Board of Retirement (board) declining to classify him in group 4 under G.L. c. 32, § 3(2)(g). A prior order directed Mr. Crupi to show cause why his appeal should not be dismissed for failure to state a claim. Mr. Crupi has timely filed a responsive memorandum and four exhibits.

The overarching goal of the retirement law’s grouping system is to draw employees with “hazardous duties” into early retirement. *See Spencer v. Civil Serv. Comm’n*, 479 Mass. 210, 220 (2018); *Public Emp. Ret. Admin. Comm’n v. Madden*, 86 Mass. App. Ct. 1107 (2014) (unpublished memorandum opinion); *Popp v. State Board of Retirement*, No. CR-17-848, 2023 WL 11806173, at *4 n.32 (Contributory Ret. App. Bd. Nov. 16, 2023). In furtherance of this goal, the Legislature could have required the retirement boards to evaluate the hazardousness of every employee’s day-to-day routine. As Mr. Crupi observes, certain portions of the grouping statute do inquire into employees’ “regular and major duties.” *See Maddocks v. Contributory Ret. Appeal Bd.*, 369 Mass. 488, 493 (1976). But the provision that governs group 4 adopts a blunter, more easily administrable technique: it identifies eligible employees by “naming their positions or titles rather than by describing the type of work they perform.” *Gaw v. Contributory Ret. Appeal Bd.*, 4 Mass. App. Ct. 250, 254 (1976). *See Retirement Bd. of Taunton*

v. Contributory Ret. Appeal Bd., 56 Mass. App. Ct. 914, 915 (2002); *Fine v. Contributory Ret. Appeal Bd.*, 401 Mass. 639, 643 (1988).

Mr. Crupi's job title is "Laboratory Supervisor III." He recognizes that his title and position are not enumerated in the group 4 statute. The board's refusal to assign Mr. Crupi to group 4 was therefore correct as a matter of law.

Mr. Crupi offers evidence to the effect that his duties are physically demanding and have impacted his health. He cites a report whose authors opine that "[t]he criteria for movement to Group 4 should be based on job responsibilities—not job title." Report of the Blue Ribbon Panel on Massachusetts Public Employees' Pension Classification System, <https://ma911.org/wp/wp-content/uploads/2015/06/Blue-Ribbon-Report-on-Retirement-Classification.pdf> (last visited March 25, 2025). But as Mr. Crupi appreciates elsewhere in his papers, the contours of group 4 are a matter for consideration "by the Legislature." This tribunal can neither amend the governing statute nor override it on the basis of policy considerations. *See Bristol County Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 451-52 (2006). "[W]e must apply the law as written, even where the result may appear harsh." *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, Mr. Crupi's submissions do not state a claim upon which relief can be granted. *See* 801 C.M.R. § 1.01(7)(g)(3). It is therefore ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate