

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Hadley Donaldson,
Petitioner,

No. CR-25-0018

Dated: January 24, 2025

v.

**Massachusetts Teachers' Retirement
System,**
Respondent.

ORDER OF DISMISSAL

Petitioner Hadley Donaldson appeals from a decision of the Massachusetts Teachers' Retirement System (MTRS) excluding her from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 16(4).

The retirement statute requires appeals from the decisions of the retirement boards to be taken "within fifteen days." G.L. c. 32, § 16(4). *See generally Bailey v. State Bd. of Ret.*, No. CR-07-724, 2012 WL 13406339, at *2 (Contributory Ret. App. Bd. Nov. 16, 2012). Ms. Donaldson's January 2025 appeal followed MTRS's August 2023 decision by approximately seventeen months. A prior order therefore directed Ms. Donaldson to show cause why the appeal should not be dismissed as untimely.

In response, Ms. Donaldson has filed a memorandum and several exhibits. They address the circumstances of Ms. Donaldson's failure to join Retirement Plus during 2001. They do not attempt a showing that Ms. Donaldson's appeal was timely.

The statutory deadline is jurisdictional. *Sanphy v. Massachusetts Teachers' Ret. Syst.*, No. CR-11-510, 2013 WL 12629458 (Contributory Ret. App. Bd. Mar. 29, 2013). This tribunal therefore cannot extend the deadline, *Commonwealth v. Claudio*, 96 Mass. App. Ct. 787, 791-92 (2020), or take any action on an untimely appeal other than "dismissing the cause."

Phone Recovery Servs. v. Verizon of New England, 480 Mass. 224, 230 (2018). Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate