

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Colin Donnelly,
Petitioner,

Docket No.: CR-24-0629

Dated: May 22, 2026

v.

Boston Retirement System,
Respondent.

Appearances:

For Petitioner: Colin Donnelly (pro se)

For Respondent: Timothy Smyth, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

Before he established membership in the respondent retirement system, the petitioner worked for a quasi-public body for several years. During that period, the petitioner participated in the optional retirement plan established by G.L. c. 23I, § 17. The petitioner has identified no statutory provision that would now authorize him to purchase retirement credit for his pre-membership service. The respondent system therefore properly denied the petitioner's purchase application.

DECISION

Petitioner Colin Donnelly appeals from a decision of respondent Boston Retirement System (Boston system) denying his application to purchase retirement credit for a period of pre-membership service. The appeal was submitted on the papers without objection. 801 C.M.R. § 1.01(10)(c). I admit into evidence exhibits marked 1-3.

Findings of Fact

The following facts are not disputed.

1. From 2012 to 2017, Mr. Donnelly was a full-time, non-temporary employee of the Massachusetts Life Sciences Center (MLSC). MLSC is a body established by statute with

mixed public and private characteristics. Its statutory mission is to promote research in the life sciences through the investment of public funds. (Exhibit 1. *See* G.L. c. 32I, § 1, et seq.)

2. While at MLSC, Mr. Donnelly had the option of joining the state employees' retirement system. He chose not to do so. Instead, Mr. Donnelly participated in the optional retirement program (ORP) established for MLSC employees by G.L. c. 23I, § 17. (Exhibits 1, 3.)

3. Approximately in 2022, Mr. Donnelly became an employee of the Boston redevelopment authority and a member of the Boston system. During 2023, he submitted an application to purchase retirement credit for his stint at MLSC. The Boston system denied the application, and Mr. Donnelly timely appealed. (Exhibit 1.)

Analysis

Massachusetts public employees typically belong to the contributory retirement systems established by G.L. c. 32, §§ 1-28. But employees of several quasi-public entities may participate in ORPs instead. *See Boston Globe Media Partners, LLC v. Retirement Bd. of Mass. Bay Transp. Auth. Ret. Fund*, 33 Mass. L. Rptr. 374, 379 (Super. Ct. 2016). Roughly speaking, while chapter 32 systems are "defined benefit" plans, the ORPs are "defined contribution" plans. *See id.* at 379-80. The distinction is not consequential here.

The Boston system is a chapter 32 system. Mr. Donnelly's potential benefits as a member of that system depend in part on his tally of retirement credit, or "creditable service." *See* G.L. c. 32, § 5(2)(a). As a rule, public employees receive credit only for periods during which they worked for Massachusetts governmental units while maintaining membership in Massachusetts public retirement systems. *Id.* § 4(1)(a).

Scattered statutes allow employees to “purchase” credit for pre-membership work. The question presented is whether any such statute covers Mr. Donnelly’s work at MLSC.

The recent decision in *Centola v. State Board of Retirement*, No. CR-19-507 (Contributory Ret. App. Bd. Apr. 15, 2026), provides authoritative guidance. The petitioner there wished to purchase credit for his work in a different ORP, established for higher-education workers by G.L. c. 15A, § 40. The debate in *Centola* revolved around G.L. c. 15A, § 40(2)(b)(iv), which says:

Any eligible employee electing to participate in the [ORP] shall be ineligible for membership in the state employees’ retirement system as long as he remains continuously employed in any eligible position

The same exact instruction appears in the statute about the ORP for employees of MLSC.

G.L. c. 23I, § 17(2)(b)(iv). *Centola*’s discussion of the instruction runs as follows:

While . . . this clause does not bar [the member] from purchasing ORP time for the purpose of creditable service in the [state employees’ retirement system], it also does not authorize him (or anyone else) to do so. . . . The clause does not give an ORP participant a right to purchase ORP time

[The member] did not identify any provision . . . that would allow him to purchase his ORP time for purposes of creditable service.

Centola, *supra*, at *9.

In similar circumstances, Mr. Donnelly also has not identified any statutory provision that would authorize the purchase he seeks to make. Another recent decision casts some doubt on the tribunal’s authority to “raise” and analyze such provisions on Mr. Donnelly’s

behalf. *Blatt v. State Bd. of Ret.*, No. CR-20-199, at *3 (Contributory Ret. App. Bd. Feb. 19, 2026). Regardless, no probably applicable provision is apparent.^{1,2}

Conclusion and Order

The board's decision is AFFIRMED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals

¹ The closest fit might be the portion of G.L. c. 32, § 3(5), applicable to “any member who had a right to become a member of an existing system in any other governmental unit . . . and who, when he left the service of such other governmental unit, had such right.” But in light of G.L. c. 23I, § 17(2)(b)(iv), discussed above, Mr. Donnelly’s right to membership in the state employees’ retirement system dissolved once he joined the ORP, and no longer existed “when he left the service of” MLSC.

² The board’s arguments focus on two paragraphs of G.L. c. 23I, § 17, under which participation in the ORP effects a “waiver” of the employee’s rights under chapter 32. § 17(2)(b)(ii), (iii). But both paragraphs refer to employees who were “member[s] of any [chapter 32] retirement system” before joining the ORP. The board has not explained why the paragraphs would affect Mr. Donnelly.