

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Donna M. Dreeszen,
Petitioner

Docket No.: CR-25-0443

v.

Revere Retirement System,
Respondent

Appearances:

For Petitioner: Donna Dreeszen, pro se

For Respondent: Timothy Smyth, Esq.

Administrative Magistrate:

Judi Goldberg

SUMMARY OF DECISION

Petitioner appeals from respondent's calculation of her creditable service. She was unaware of amendments to the applicable regulations, which changed the definition of full-time service from 28 hours per week to 39 hours per week. As a result of this change, petitioner's status changed from full-time to part-time and respondent's calculation of her creditable service pro-rated her part-time hours. As there is no legal requirement for a retirement board to notify members about changes to its regulations, respondent's calculation is affirmed.

DECISION

Petitioner Donna Dreeszen timely appealed Revere Retirement System's (Revere) calculation of her creditable service. I held and recorded an evidentiary hearing on June 17, 2026, during which I admitted Exhibits A through H.¹ At Ms. Dreeszen's request, I admitted Exhibits I

¹ I admitted Exhibits G and H over Revere's objection based on relevance.

and J after the hearing.² At the hearing, Ms. Dreeszen testified on her own behalf and was the only witness. The parties decided to file closing memoranda. I closed the record on July 3, 2026.

Findings of Fact and Regulatory Background

Based on the evidence in the record and reasonable inferences drawn from it, I make the following findings of fact:

1. The City of Revere first hired Petitioner Donna Dreeszen as a part-time clerk typist for the Veterans' Affairs Office starting on September 2, 2011. (Ex. A.)
2. From September 2011 through the end of June 2012, Ms. Dreeszen worked 20 hours per week. (Ex. B.)
3. From July 2012 through June 2015, Ms. Dreeszen worked 30 hours per week. (*Id.*)
4. Ms. Dreeszen became a full-time employee on July 1, 2015, working 39 hours per week. (*Id.*)
5. As Ms. Dreeszen began to contemplate retirement in 2025, she asked Revere for a breakdown of her creditable service. (Testimony.)
6. On July 10, 2025, Revere sent Ms. Dreeszen a letter with a summary of her creditable service. (Ex. E.)

² Exhibit I is a July 29, 2025, creditable service estimate. Exhibit J is a March 27, 2025, letter from Revere with a cost breakdown for the purchase of creditable service. Revere's counsel had the opportunity to review these two proposed exhibits and did not object to their admission.

7. In its July 2025 letter, Revere first noted that Ms. Dreeszen worked both full-time and less than full-time between October 2011 and June 2015, and that she assumed a full-time position in July 2015.³ (*Id.*)

8. From October 2011 to June 2015, there were two different sets of regulations in effect relating to Revere's retirement system. (*Id.*)

9. The first set of regulations (1990 regulations) applied to Ms. Dreeszen's work from October 2011 through June 30, 2012.⁴ The 1990 regulations provided that: "Employees shall be considered as full-time if they work an average of at least 28 hours per week." The 1990 regulations also provided that "[c]reditable service for part time workers shall be prorated as it bears against full time service." (Exs. C, E.)

10. As Ms. Dreeszen worked 20 hours per week from October 28, 2011, to June 30, 2012, Revere prorated her service against a 28-hour work week. Revere credited Ms. Dreeszen at 75% proration (6 months, 1 day). (Ex. E.)

11. From July 1, 2012, to June 12, 2013, Ms. Dreeszen worked 30 hours per week, which constituted full-time under the 1990 regulations. Revere therefore credited Ms. Dreeszen with "full service," or "100% proration" for her work (11 months, 12 days). (*Id.*)

³ The letter recognizes that although she became eligible for membership on September 1, 2011, Revere failed to withhold retirement deductions until October 28, 2011. Revere invited her to remit "proper makeup payments" to obtain creditable service for this time. She declined to do so. (Ex. E; Testimony.)

⁴ See *Melcher v. State Bd. of Ret.*, CR-13-324, 2021 WL 12297909, at *5 (Contributory Ret. App. Bd. Sept. 30, 2021) (amount of service calculated at time of retirement based on proper interpretation regulations in effect when member entered the system).

12. A new set of regulations became effective as of June 13, 2013 (2013 regulations). These regulations define a “permanent full-time employee” as “any administrative clerical or library employee who works not less than thirty-nine (39) hours per week[.]” The 2013 regulations also provide that Revere may pro-rate a permanent part-time employee’s time.⁵ (Ex. D.)

13. Ms. Dreeszen continued to work 30 hours per week from June 13, 2013, to June 30, 2015. Relying on the 2013 regulation to prorate her time, Revere calculated her time against a 39-hour work week and credited Ms. Dreeszen at 77% proration (1 year, 6 months, 13 days). (Ex. E.)

14. Ms. Dreeszen timely appealed from the Revere’s decision regarding her accrued time. In her appeal letter, Ms. Dreeszen wrote that in 2012, she was “assured by the Retirement Department’s employees Carolyn Russo and Joyce Gaskill, in response to my inquiry about retirement status as a 30-hour/week employee . . . that I would be credited at 100% rate.” She wrote that she understood that she was a full-time employee because she worked a 30-hour week. She stated that she never received notice that her status had changed from full-time to part-time. (Ex. E; Testimony.)

15. In her appeal notice, Ms. Dreeszen requests “that I be given what is rightfully mine, which is 100% retirement credit and my creditable service restored for the period June 13, 2013 - June 30, 2015 due to the lack of notice by the City of Revere[.]” (Ex. E.)

⁵ “For a member-in-service who has been employed in both a permanent full-time and a permanent part-time capacity while an employee of the City, the member will receive full-time credit for permanent full-time service, and prorated credit for permanent part-time service based on the full-time equivalency[.]” (Ex. D.)

Analysis

Ms. Dreeszen argues that the change to her status from full-time to part-time in June 2013 was unfair because she did not receive notice that a new regulation changed the number of hours that constituted full-time work. She states that in her work, she makes “every effort” to notify people “of every change could affect them” even though she “may not always be legally required to do so” because “it is the right thing to do.” She also argues that the change to her status deprived her of her rights under the Fourteenth Amendment of the United States Constitution. She summarized her position in her post-hearing brief: “This case is not only about my retirement creditable service. It is about fairness, accountability, and the obligation of public bodies to provide notice when their decisions affect the rights and property interests of the citizens they serve.”

The law does not favor Ms. Dreeszen’s position. As an initial matter, the Division of Administrative Law Appeals (DALA) does not have jurisdiction to hear her claim under the Fourteenth Amendment. *See, e.g., Maher v. Justices of the Quincy Div. of the Dist. Ct. Dept.*, 67 Mass. App. Ct. 612, 619 (2006) (noting that courts, not administrative agencies, decide constitutional issues).

Turning to the questions that Ms. Dreeszen has raised under the retirement law, Section 5(3)(c) of Chapter 32 provides that a retirement board may adopt rules and regulations to calculate creditable service for members who provide part-time service. G.L. c. 32, § 5(3)(c). *See generally Fallon v. Newton Ret. Sys.*, CR-22-0200, CR-22-0248, CR-22-0180, CR-22-0211, 2025 WL 1835961 (Div. Admin. L. App. June 27, 2025). Here, Revere adopted regulations in 1990 and 2013 that allowed it to prorate part-time employees’ hours in relation to full-time hours. The 1990

regulations provided that full-time hours were 28 hours per week; the 2013 regulations changed the number of full-time hours to 39 hours per week. Ms. Dreeszen has not argued that Revere did not properly promulgate the 2013 regulations,⁶ but rather that Revere had an obligation to notify her that the 2013 regulations changed the number of full-time hours against which Revere would pro-rate her part-time hours.

There is no legal obligation for retirement boards to notify members of changes to regulations. *See, e.g., Conlin v. Boston Ret. Sys.*, CR-23-0030, 2024 WL 2956648, at *2 (Contributory Ret. App. Bd. June 3, 2024) (reiterating that no statute creates duty of notice); *Levesque v. Essex Cnty. Ret. Bd.*, CR-95-571 (Contributory Ret. App. Bd. Oct. 7, 1996) (overruling magistrate’s finding of duty to notify employee of right to membership). Similarly, there is no legal obligation for retirement boards to provide retirement planning advice to their members. *See Geary v. Plymouth Cnty. Ret. Bd.*, 87 Mass. App. Ct. 1126, at *3 (2015) (unpublished opinion). To the extent that Ms. Dreeszen is arguing that she relied on advice from Revere employees about how much creditable service she would receive, “[t]he amount of benefits is governed entirely by G.L. c. 32, and as such may not be enlarged by a [government employee’s] error.” *Leto v. State Bd. of Ret.*, CR-19-554, at *3 (Div. Admin. L. App. Nov. 19, 2021) (internal citations and quotation marks omitted). In short, although Ms. Dreeszen believes that it would have been the “right thing” for Revere to do, there was no legal obligation for it to notify her of the change, and

⁶ Properly promulgated regulations are presumptively valid and “must be accorded all the deference due to a statute.” *Massachusetts Fed’n of Tchrs. v. Board of Educ.*, 436 Mass. 763, 771 (2002) (internal citations and quotation marks omitted).

any erroneous advice from Revere's employees cannot change the amount of creditable service to which she is entitled.

Turning to Revere's application of its regulations to her time worked, Ms. Dreeszen does not argue that Revere miscalculated her creditable service. I find that the methodology detailed in the July 20, 2025, letter is consistent with the applicable regulations:

- From October 28, 2011, to June 30, 2012, Ms. Dreeszen worked 20 hours per week. Using the 1990 regulations that defined full-time work as 28 hours per week, Revere credited her at 75% proration (6 months, 1 day).⁷
- From July 1, 2012, to June 12, 2013, Ms. Dreeszen worked 30 hours per week. Again using the 1990 regulations, Revere credited her with full service, or 100% proration (11 months, 12 days).
- From June 13, 2013, to June 30, 2015, Ms. Dreeszen worked 30 hours per week. Using the 2013 regulations that defined full-time work as 39 hours per week, Revere prorated her time at 77% (1 year, 6 months, 13 days).

As the petitioner, Ms. Dreeszen has the burden to demonstrate that she is entitled to changes to her creditable service from June 13, 2013, to June 30, 2015. *Hartung v. Massachusetts Tchrs.' Ret. Sys.*, CR-22-0194, CR-22-0195, 2026 WL 714135, at *6 n.19 (Contributory Ret. App. Bd. Feb. 18, 2026). It is unfortunate that Ms. Dreeszen was unaware of the change to her status due to the change in the 2013 regulations, and therefore to her creditable service, but DALA simply does not have the authority to provide equitable relief that would be contrary to the retirement law. See *Petrillo v. Public Employee Ret. Admin.*, CR-92-731 (Div. Admin. L. App. Feb. 15, 1993) (*aff'd* Contributory Ret. App. Bd. Oct. 22, 1993).

⁷ 20 hours per week is 71%, not 75%, of 28 hours. As neither party raised this issue during this appeal process, it is deemed waived.

Conclusion and Order

Based on the above analysis, Revere's calculation of Ms. Dreeszen's creditable service is hereby affirmed as to July 13, 2013, to June 30, 2015.

Dated: July 10, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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