

**COMMONWEALTH OF MASSACHUSETTS  
CONTRIBUTORY RETIREMENT APPEAL BOARD**

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**EVELYN EDUARDO,**

**Petitioner-Appellant**

**v.**

**BOSTON RETIREMENT SYSTEM,**

**Respondent-Appellee.**

**CR-17-892, CR-17-944**

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**DECISION**

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On September 3, 2021, the Division of Administrative Law Appeals (“DALA”) denied Petitioner Evelyn Eduardo’s request to purchase creditable service and her request to waive her outstanding contributions balance. On September 30, 2021, Ms. Eduardo emailed Chief Magistrate McGrath notifying him that she wished to appeal the DALA decision. The Chief Magistrate responded to Ms. Eduardo’s email on the same day, informing her that directions on how to appeal a DALA decision was included with the decision. The Chief Magistrate also forwarded to the Contributory Retirement Appeal Board (CRAB) Ms. Eduardo’s email, reflecting her intentions to appeal. CRAB construes this email as Ms. Eduardo’s Notice of Appeal of the DALA decision.

We issued to Petitioner an Order to Show Cause on October 8, 2024 noting that CRAB’s “governing statute, G.L. c. 32, § 16(4) provides that the DALA magistrate’s decision “shall be final . . . *unless within fifteen days after such decision . . . either party objects to such decision, in writing, to the contributory retirement appeal board . . .*” *Id.* (emphasis added)” and requested Petitioner provide the Board “any and all reasons why this appeal should not be dismissed as untimely”.

CRAB did not receive a response from Ms. Eduardo. As CRAB recognized in the Order to Show Cause of October 8, 2024, “if an appeal to CRAB from DALA is filed more than fifteen

(15) days after the date of the DALA decision, it must be dismissed.” Fifteen days from September 3, 2021 was Saturday, September 18, 2021. Thus, the deadline for Ms. Eduardo to file her notice of objection to the DALA decision was the following business day, Monday, September 20, 2021.

As with all appeals not timely filed, CRAB is jurisdictionally bound to enforce a fifteen-day deadline beginning with the date of the DALA decision and may not ignore the plain language of the statute. “We interpret the language of the statute ‘in accordance with its plain meaning, and if the language is clear and unambiguous, it is conclusive as to the intent of the legislature,’” *New England Auto Max, Inc. v. Hanley*, 494 Mass. 87, 91 (2024) (Statutes are to be interpreted in accordance with their plain words). This appeal must be dismissed as untimely.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD



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Uyen M. Tran  
Assistant Attorney General  
Chair  
Attorney General’s Appointee



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Nicolle M. Allen, Esq.  
Governor’s Appointee



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Patrick M. Charles, Esq.  
Public Employee Retirement Administration Commission  
Appointee

Date: October 30, 2024