

## COMMONWEALTH OF MASSACHUSETTS

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Jason Emanuelson,**  
Petitioner,

No. CR-24-0681

Dated: February 28, 2025

v.

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

### ORDER GRANTING SUMMARY DECISION

This is an appeal from a decision of the Massachusetts Teachers' Retirement System (MTRS) denying petitioner Jason Emanuelson's application to purchase retirement credit for a period of military service. MTRS moves for summary decision. The deadline for any response from Mr. Emanuelson has expired.

The statute applicable to Mr. Emanuelson's application is G.L. c. 32, § 4(1)(h). Purchases under that statute are available only to "veterans." Cases applying the definitions appearing in G.L. c. 32, § 1, and G.L. c. 4, § 7, forty-third paragraph, have concluded that "veterans" in this particular context do not include individuals whose service was "active duty for training." *See Flemings v. Contributory Ret. Appeal Bd.*, 431 Mass. 374, 375, 376 n.3 (2000); *Scortino v. Massachusetts Teachers' Ret. Syst.*, No. CR-00-897 (Contributory Ret. App. Bd. July 31, 2002); *Nietupski v. State Bd. of Ret.*, No. CR-97-1690 (Contributory Ret. App. Bd. May 2, 2000).

Summary decision is warranted where "there is no genuine issue of fact . . . and [the moving party] is entitled to prevail as a matter of law." 801 C.M.R. § 1.01(7)(h). A "genuine" issue of fact is one on which the non-moving party has a "reasonable expectation" of prevailing. *See Goudreau v. Nikas*, 98 Mass. App. Ct. 266, 269-70 (2020). In support of its motion, MTRS

presents documentation that describes Mr. Emanuelson's military service as "Active Duty Training" and "ADT." Mr. Emanuelson has offered neither conflicting evidence nor an alternative interpretation of the records compiled by MTRS. On the summary decision record, he lacks any reasonable expectation of proving his case.

In view of the foregoing, MTRS's motion for summary decision is ALLOWED. Summary decision is hereby entered to the effect that MTRS's decision is AFFIRMED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate