

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Bo Feng,

Petitioner

v.

Docket No. CR-23-0316

Massachusetts Teachers' Retirement System,

Respondent

Appearance for Petitioner:

Bo Feng

Appearance for Respondent:

James O'Leary, Esq.

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF DECISION

The Massachusetts Teachers' Retirement System (MTRS) properly denied the petitioner's application to purchase creditable service, because that service had been part-time.

DECISION

The petitioner, Bo Feng, appeals MTRS's denial of his application to purchase creditable service.

I held a hearing on April 29, 2025 by Webex, which I recorded. Mr. Feng had the hearing transcribed; the transcript's pages are not numbered.

Mr. Feng represented himself, testified, and called Suhong Chang as a witness, who, like Mr. Feng, had been a Teaching Assistant as a graduate student at the University of

Massachusetts-Amherst (UMass).

I admitted seven exhibits for the petitioner, Exhibits 1 through 4, and Exhibits A through C; and 10 exhibits for the respondent.

Both parties submitted post-hearing briefs in late July 2025. Mr. Feng's brief alleges facts that are not in evidence, contrary to my instruction during the hearing, and I have not considered those facts.

Findings of Fact

1. Mr. Feng was variously a graduate student, teaching assistant, student worker, and adjunct professor at UMass. (Resp. Ex. 2; transcript; Pet. Appeal Memo)

2. From 1990 to 1993, Mr. Feng was a graduate student in computer graphics. He was also a teaching assistant for two courses. (Transcript; Pet. Appeal Memo)

3. From 1991 to 1994, Mr. Feng was an hourly program assistant at the Housing Service Cable Network, UMass. (Transcript; Pet. Appeal Memo)

4. In fall 1997, Mr. Feng was not a student. He was an adjunct professor in the art department. (Transcript)

5. From September 2, 2007 to May 24, 2008 (38 weeks), Mr. Feng worked as a Graduate Teaching Assistant in the Chinese program for a weekly salary of \$365. (Exs. 3, 10; stipulation) As part of his compensation as Graduate Teaching Assistant, Mr. Feng received a tuition discount. (Ex. 2; stipulation)

6. From August 31, 2008 to May 23, 2009 (38 weeks), Mr. Feng worked as a Graduate Teaching Assistant for a weekly salary of \$365. (Exs. 3, 5; stipulation) As part of his

compensation as Graduate Teaching Assistant, Mr. Feng received a tuition discount. (Ex. 2; stipulation)

7. Mr. Feng worked as a graduate student hourly worker, performing various jobs (sometimes concurrently): from January 4 to 24, 2009, as translator in the school's translation center (Ex. 6; stipulation); from September 14, 2008 to May 16, 2009, as a part-time website coordinator for the Office of Programs and Services (Exs. 4, 7; stipulation; Pet. Appeal Memo); from June 29, 2008 to August 23, 2008, as a data entry worker in the office for programs and services (Ex. 8; stipulation); and from June 1, 2008 to August 13, 2008 in the school's financial aid department (Ex. 9; stipulation).

8. Mr. Feng did not have documents, such as contracts, from before approximately 2008. (Transcript)

9. On March 20, 2023, Mr. Feng applied to purchase creditable service. (Resp. Ex. 2)

10. When he applied, Mr. Feng was employed by the Concord-Carlisle Regional School District. (Resp. Ex. 2)

11. The service for which Mr. Feng applied for creditable service was as a graduate student employee and adjunct professor at UMass from September 1, 1990 to February 28, 2009. (Resp. Ex. 2)

12. On May 23, 2023, MTRS denied Mr. Feng's application, stating that his service was not eligible for purchase under G.L. c. 32, §3(5) and that based on information from UMass, he had not been an employee. (Resp. Ex. 1)

13. On June 4, 2025, Mr. Feng timely appealed. (Appeal letter)

Discussion

A retirement system member cannot purchase creditable service for part-time work under G.L. c. 32, §3(5). *E.g., Santos v. Mass. Teachers' Ret. Sys.*, CR-04-70, (Contributory Ret. App. Bd. Mar. 6, 2006). The provision does refer to “temporary, provisional, or substitute position[s],” but those positions must be full-time for a retirement system member to be able to purchase creditable service.

Mr. Feng’s various positions were not full-time. He did not testify or present exhibits that the positions for which he seeks to purchase creditable service were full-time. His Appeal Memorandum, dated January 10, 2024, specifically refers to his job as website manager as “part-time.” Therefore, Mr. Feng cannot purchase creditable service.

In his post-hearing brief, Mr. Feng’s legal assertions, including about the legislative intent of G.L. c. 32, §3(5), have no citations to them. I do not accept them.

Mr. Feng argued in his post-hearing brief:

To deny credit for this substantial period of public service solely because archival hiring forms are no longer available would ignore the reliable payroll evidence and penalize me for administrative record limitations beyond my control.

Mr. Feng’s argument fails for several reasons. One, MTRS properly denied his application to purchase creditable service and it was not “solely,” or even partly, because documents are no longer available. Two, no one is ignoring reliable payroll records. The records do not speak for themselves, as the expression goes. Mr. Feng did not call a witness to interpret the records. He did not try to explain them himself. I am faced with pages and pages, rows and rows, and columns and columns of barely explicable information (Resp. Ex. 3), information that if it were explicable would almost certainly not prove what Mr. Feng needs to prove, namely,

that he worked full-time. Three, no one is penalizing Mr. Feng. This appeal is his case to make, *Bagley v. Contributory Retirement Appeal Board*, 397 Mass. 255, 258 (1986), as I explained to him at the hearing. His inability to prove his case and obtain a *benefit* is not a penalty. Four, I know of no law or other requirement that governmental entities maintain records that will allow petitioners, decades later, to support their applications to purchase creditable service. Mr. Feng has brought no such law or other requirement to my attention. Mr. Feng, himself and no one else, did not retain all documents that he considered relevant. Mr. Feng has no documents related to his work at UMass from before approximately 2008. Mr. Feng introduced as an exhibit *the W-2 form of Suhong Chang, a colleague*, from 1993 (Pet. Ex. 5) because he no longer had W-2s from that time and, he contended, his job and Ms. Chang's job were similar.

(Transcript)

Conclusion and Order

MTRS's denial of Mr. Feng's application to purchase creditable service is affirmed.

Dated: January 23, 2026

/s/

Kenneth Bresler
Administrative Magistrate
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