

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

Middlesex, ss.

Jennifer Foley,
Petitioner,

Docket No.: CR-25-0743

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision of the State Board of Retirement (SBR) denying the application of Petitioner, Jennifer Foley, for Group 2 classification of her position of Probation Officer. To appeal from a decision of a retirement board, an aggrieved person must do so within fifteen days. G.L. c. 32, § 16(4). This time limit is jurisdictional; therefore, if an appeal to the Division of Administrative Law Appeals (DALA) is filed more than fifteen days after being notified of the retirement board's decision, the appeal must be dismissed for lack of jurisdiction. *See Lambert v. Massachusetts Teachers' Ret. Syst.*, No. CR-09-74, at *4 (Contrib. Ret. App. Bd. Feb. 17, 2012).

Notification of the retirement board decision typically occurs when it is delivered to the individual's home. *See Bailey v. State Bd. of Ret.*, CR-07-724, at *4 (Contrib. Ret. App. Bd. Nov. 16, 2012). Notice by mail is presumed to be received three days after deposit in the U.S. mail. *See* 801 CMR 1.01 4(c). A notice of appeal is deemed filed on the date contained in the U.S. postmark. *See* 801 CMR 1.01 4(a).

Here, the decision of SBR dated November 4, 2025 is presumed to have been received by Petitioner on November 7, 2025. For Petitioner's appeal to have been timely, it had to have

been filed within fifteen days. As the fifteenth day was a Saturday, the appeal would have been timely if filed by Monday, November 24, 2025. See 801 CMR 1.01 4(c). However, according to the postmark on Petitioner's mailing envelope, she filed the appeal on November 25, 2025.

On December 30, 2025 I issued an Order to Show Cause for Petitioner to explain in writing by January 30, 2026 why her appeal should not be dismissed for lack of jurisdiction. Petitioner did not provide a response.

Petitioner's late filing of her appeal by such a short period is unfortunate, and dismissal of the appeal is a harsh outcome. However, timely filing is required for DALA to have jurisdiction over this matter. Based on the foregoing, the appeal is dismissed for lack of jurisdiction.

Dated: February 6, 2026

/s/ Karen T. Guthrie
Karen T. Guthrie
Administrative Magistrate
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