

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Trina Forrest,
Petitioner,

No. CR-25-0069

Dated: April 18, 2025

v.

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

ORDER OF DISMISSAL NISI

Petitioner Trina Forrest appeals from a decision of the Massachusetts Teachers' Retirement System (MTRS) denying her request to participate in the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4).

The Commonwealth's numerous retirement boards issue administrative decisions with great frequency. The Legislature has decided that any appeals from their decisions must be filed "within fifteen days of notification of [the] . . . decision." G.L. c. 32, 16(4). MTRS notified Ms. Forrest of its decision in July 2023. She filed her notice of appeal in January 2025, i.e., eighteen months late.

Ms. Forrest acknowledges the lateness of her appeal. She describes personal and highly sympathetic circumstances that hindered her availability to tend to financial affairs at the time of the board's decision. The problem is that the statutory fifteen-day timeframe is "jurisdictional." *Oxford v. Lawrence Ret. Bd.*, No. CR-18-5, 2023 WL 11806166 (Contributory Ret. App. Bd. May 17, 2023). *See also Briggs v. Essex Reg'l Ret. Bd.*, No. CR-19-182, 2020 WL 14009730, at *2 (Contributory Ret. App. Bd. Aug. 10, 2020). The result of a missed jurisdictional deadline is that "the reviewing [tribunal] has . . . no authority to enlarge the appeal period." *Commonwealth*

v. Claudio, 96 Mass. App. Ct. 787, 792 (2020). A party's sympathetic circumstances do not alter the limits of a tribunal's statutory authority.¹

In view of the foregoing, it is hereby ORDERED that this appeal is DISMISSED. The dismissal will take effect fourteen days from today. Before that time, Ms. Forrest may move for reconsideration on any basis, and any such motion will be considered without deference to the instant order. Contrast 801 C.M.R. § 1.01(7)(l); *Ethridge v. Bell*, 49 F.4th 674, 688-89 (2d Cir. 2022).

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

¹ Regardless, it does not appear that Ms. Forrest's appeal is viable on the merits. She claims that, when Retirement Plus came into effect, MTRS mailed informational materials to her at an outdated address. But such circumstances do not suffice to entitle a member to join Retirement Plus belatedly. *See In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023).