

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

Middlesex, ss.

Ronald Francis,
Petitioner,

Docket No.: CR-26-0140

v.

Massachusetts Teachers'
Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner, Ronald Francis, appeals the decision of Respondent, Massachusetts Teachers' Retirement System (MTRS), denying his request for a retroactive retirement date.

M.G.L. c. 32, § 10(3) provides:

The retirement allowance of any member entitled thereto. . . shall become effective on the date of his termination of service if his written application therefor is filed with the board not more than sixty days after such date; otherwise his retirement allowance shall be deferred. Any such member may, at any time thereafter and before attaining the maximum age for his group, file with the board his written application for such retirement allowance, and thereupon such retirement allowance shall become effective on the date which shall be specified in such application and which shall be not less than fifteen days nor more than four months after the filing of such application . . .

In its decision, MTRS explained that it received the retirement application on January 30, 2026, more than sixty (60) days beyond the date Mr. Francis separated from service on June 30, 2007. Therefore, pursuant to M.G.L c. 32, § 10(3), his earliest effective date of retirement was February 14, 2026, fifteen (15) days from the date on which the application was received.

On April 21, 2026 I issued an Order to Show Cause for Mr. Francis to provide sufficient evidence that he is eligible for the earlier retirement date he requested, and a copy of his service purchase application. His application indicates an intended retirement date of December 19, 2025, but the application itself was dated and received by MTRS on January 30, 2026.

Mr. Francis argues in his appeal that a MTRS representative provided him with inaccurate information upon which he relied; specifically, if he filed his application within six weeks of his requested retirement date of December 19, 2025, the requested date would be honored.

However, Mr. Francis is not entitled to an effective retirement date less than fifteen days after he filed his application, even if he was given inaccurate information and relied on it. *See Hardoon v. State Bd. of Ret.*, No. CR-13-71, (Contributory Ret. App. Bd. Oct. 5, 2023).

No authority exists for the Division of Administrative Law Appeals (DALA) to deviate from clear, statutory time requirements. Arguments based upon equitable considerations are unavailing, as DALA lacks equitable authority. *Id.*

In view of the foregoing, Mr. Francis has failed to state a claim upon which relief can be granted. Pursuant to 801 CMR 1.01(7)(g)(3), this appeal is DISMISSED.

Dated: May 22, 2026

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