

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Louise Genualdo,
Petitioner,

Docket No.: CR-24-0659

v.

Dated: May 22, 2026

Massachusetts Teachers' Retirement System,
Respondent.

Appearances:

For Petitioner: Adam Troupe, Esq.

For Respondent: Salvatore Coco, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioner is disabled with symptoms of anxiety and depression. She is entitled to retire for ordinary disability. On the other hand, she is not entitled to retire for accidental disability, because she filed her retirement application more than two years after the end of the uncommon "hazard" of her workplace.

DECISION

Petitioner Louise Genualdo appeals from a decision of the Massachusetts Teachers' Retirement System (MTRS) denying her application to retire for ordinary or accidental disability.

I held an evidentiary hearing on March 12, 2026, at which Ms. Genualdo was the only witness.

I admitted into evidence exhibits marked 1-10, 14-61, and 63.¹

¹ Proposed exhibits 11-13 were voluminous, repetitious compilations of medical records. I excluded them as originally filed but admitted specific relevant records instead, namely exhibits 22-61. *See generally* [DALA Standing Order 25-2](#). By agreement of the parties, I excluded proposed exhibit 62 as duplicative. Ms. Genualdo filed exhibit 63 along with her closing brief.

Findings of Fact

I find the following facts.

1. Ms. Genualdo began her career in 1997, working as a payroll manager in the Everett school system. Her supervisor was the Everett superintendent of public schools (superintendent). (Testimony.)²

2. On a daily basis, the supervisor commented on Ms. Genualdo's sex life. He often exposed his genitals to Ms. Genualdo and touched her body without her consent. Ms. Genualdo saw the superintendent frequently touching other female employees as well. (Testimony.)

3. Ms. Genualdo left the Everett school system in 2008. For five years, she worked as a human resources director in Peabody. After that, for one year, Ms. Genualdo worked in a similar position in Marblehead. Throughout, the superintendent—Ms. Genualdo's former boss in Everett—telephoned her frequently, asking personal questions and making suggestive comments. In 2013, the superintendent invited Ms. Genualdo to return to work for him again. She accepted. (Testimony.)

4. After a stint as a consultant, Ms. Genualdo became the Everett school system's human resources director. The superintendent resumed his pattern of inappropriate sexual comments and behaviors. As it turns out, he behaved in similar ways toward other employees, including two clerical workers who reported to Ms. Genualdo. (Testimony; exhibits 2-5.)

² This decision makes serious findings about the superintendent based on a preponderance of the evidence presented. The superintendent did not testify or otherwise participate. The decision and its findings are not intended to be binding on him. *See Mullins v. Corcoran*, 488 Mass. 275, 288-89 (2021).

5. Approximately in early 2018, the two clerical workers became angry with Ms. Genualdo. They felt that she was not protecting them against harassment and discrimination; they also experienced her own behavior as abusive. The clerical workers began to speak belligerently to Ms. Genualdo. They rifled through her office without her consent. They conveyed their rage and hatred in other ways. In a memorandum to the superintendent about these issues, Ms. Genualdo wrote: "No administrator should ever have their decisions and authority questioned!" (Testimony; exhibit 1.)

6. In mid-2018, citing pretextual budgetary constraints, and with assistance from Ms. Genualdo, the superintendent terminated the employment of the two clerical workers. They responded by filing a complaint with the Massachusetts Commission Against Discrimination (MCAD), listing Ms. Genualdo among the respondents. Around the same time, Ms. Genualdo and other Everett employees received letters soliciting additional accounts of the superintendent's misconduct. (Testimony; exhibits 2-4.)

7. During the ensuing months, on top of her usual responsibilities, Ms. Genualdo took on the tasks previously discharged by the two clerical workers. She found the resulting workload to be overwhelming. Meanwhile, various attorneys and investigators were interviewing and meeting with Ms. Genualdo and her colleagues, who became distrustful of and antagonistic toward each other. (Testimony; exhibits 4, 6.)

8. During December 2018, the superintendent announced his retirement and was placed on immediate leave. Even after that, the superintendent continued to telephone Ms. Genualdo at work and at home, combining requests for updates about the MCAD case with his usual suggestive remarks. (Testimony.)

9. Ms. Genualdo's enlarged workload and deteriorating office dynamics were stressful to her. She was anxious and mortified about having been named as a wrongdoer in the MCAD complaint. Her mental health began to deteriorate. She began to suffer from vomiting and "brain fog." On March 28, 2019, after especially contentious interactions with a colleague, Ms. Genualdo was taken by ambulance to the hospital with dizziness, tremors, and shortness of breath. (Testimony; exhibits 18, 19.)

10. Ms. Genualdo did not return to work. Her position was terminated several months later. She has undergone psychiatric treatment and psychotherapy for depression, anxiety, and PTSD. At least one doctor has also diagnosed Ms. Genualdo with bipolar disorder. She is fearful and sad, stays mostly at home, has lost confidence in herself, and is embarrassed to interact with members of her community. (Testimony; exhibits 14, 16.)

11. In January 2021, Ms. Genualdo applied to retire for ordinary or accidental disability, identifying her diagnoses as depression, anxiety, and PTSD. The application attributed these conditions to a "toxic work environment," adding that Ms. Genualdo's supervisor (the superintendent) "was forced to retire," that she faced questioning from "several attorneys and Pls," and that her coworkers were "disingenuous." Ms. Genualdo added, "How could I be aware of the sexual misconduct and harassment when I truly did not realize I was a victim and was being harassed[?]" (Exhibit 15.)

12. In a subsequent email to MTRS, Ms. Genualdo's attorney identified twelve specific dates on which Ms. Genualdo underwent stressful workplace experiences. Several of the items on the list related to the MCAD case. Also included were two telephone calls during which the superintendent made "sexually suggestive remarks" to Ms. Genualdo. (Exhibit 63.)

13. Ms. Genualdo's primary care doctor prepared a statement in support of her retirement application, writing: "[S]he was a victim of sexual harassment. . . . [The] disability is a direct result of harassment/trauma sustained in the 1990s in the work environment. Symptoms of PTSD have flared due to recent stressors in 2019." (Exhibit 16.)

14. The application was referred to a regional medical panel consisting of psychiatrists Dr. Michael Braverman, Dr. Peter Cohen, and Dr. Michael Kahn. Each panelist examined Ms. Genualdo in April 2024. Each one then certified that Ms. Genualdo is disabled, that the disability is permanent, and that it is such as might be the result of Ms. Genualdo's claimed workplace injury or hazard. None of the panelists saw any significant mental-health issues in Ms. Genualdo's history pre-2018. (Exhibits 8-10.)

15. Dr. Braverman observed Ms. Genualdo to be withdrawn, dysphoric, tearful, and stressed. His diagnoses included anxiety and depression. He described the cause of Ms. Genualdo's condition as "the severity of the harassment she experienced at work," adding: "[S]he began developing significant anxiety, emotional distress, and a stress disorder related to a hostile work environment. . . . [A]t the end of the 2018 school year, Ms. Genualdo reported being bullied and harassed by two clerical staff members" (Exhibit 8.)

16. Dr. Cohen described Ms. Genualdo's presentation as "anxious." He diagnosed PTSD, depressive disorder, and anxiety disorder, identifying bipolar disorder as a diagnosis to "rule out." On causation, he wrote: "This is causally related to a chaotic and toxic work environment over the last 2 years of her employment." (Exhibit 9.)

17. Dr. Kahn saw Ms. Genualdo as "withdrawn and anxious." He wrote that she suffers from "adjustment disorder with anxiety and depression," noting his uncertainty about

whether “she really has bipolar disorder.” By comparison to the other panelists, Dr. Kahn was more skeptical of Ms. Genualdo’s account, describing her as a “suboptimal historian” and calling her “story . . . convoluted.” Dr. Kahn nonetheless agreed that Ms. Genualdo “may indeed have been exposed to a hostile work environment”; he stated in summary: “Taking her story . . . at face value, I would say that [the] incapacity is such as might be the natural and proximate result of the personal injury sustained or hazard undergone.” (Exhibit 10.)³

18. In October 2024, MTRS denied Ms. Genualdo’s application as to both ordinary and accidental disability. She timely appealed. (Testimony; exhibit 20.)

Analysis

Applications for ordinary and accidental disability retirement are governed by neighboring statutes, G.L. c. 32, §§ 6 and 7. Both statutes require proof that the applicant is permanently disabled.

Disability and permanence are medical matters that exceed common knowledge and experience. A fact finder must be guided on such issues by expert input. *Robinson v. Contributory Ret. Appeal Bd.*, 20 Mass. App. Ct. 634, 639 (1985). The point of the statutory procedure of examinations by a medical panel is to collect the requisite expert analysis from authoritative, neutral physicians. *Malden Ret. Bd. v. Contributory Ret. Appeal Bd.*, 1 Mass. App. Ct. 420, 423 (1973). Ms. Genualdo’s panelists all reached the well-supported conclusion that

³ Dr. Kahn was right to take Ms. Genualdo’s non-medical assertions as true for purposes of his analysis. See *Malcolm M. v. State Bd. of Ret.*, No. CR-21-303, 2023 WL 2213499, at *3-4 (Div. Admin. Law App. Feb. 17, 2023).

she is permanently disabled. No doctor says otherwise. In these circumstances, Ms. Genualdo clearly carries her burden of proving disability and permanence.

The ordinary disability retirement statute states only one other prerequisite to benefits: the member needs to have accumulated either ten or fifteen years of service, depending on the circumstances. G.L. c. 32, § 6(1). There is no dispute that Ms. Genualdo possesses the requisite service time. She is entitled to retire for ordinary disability.⁴

Retirement for accidental disability offers more generous benefits and hinges on additional showings. More specifically, the member must prove a proximate causal connection between his or her disability and “a personal injury . . . or a hazard undergone as a result of, and while in the performance of, the member’s duties.” G.L. c. 32, § 7(1). With certain exceptions, the disabling injury or hazard is required to have occurred “within 2 years prior to the filing of [the retirement] application.” *Id.*

The member may meet these requirements by showing that the disability was caused either by “a single work-related event or series of events” or by an ongoing “identifiable condition . . . that is not common and necessary to all or a great many occupations,” also known specifically as a “hazard.” *Blanchette v. Contributory Ret. Appeal Bd.*, 20 Mass. App. Ct. 479, 485 (1985). Ms. Genualdo invokes both alternatives in her briefing; but the record ultimately supports only the “hazard” hypothesis. Ms. Genualdo’s symptoms emerged after a sustained period of ongoing, constant or near-constant stress. While Dr. Braverman’s opinion is arguably ambiguous, the two other panelists clearly connected the disability to a two-year-long

⁴ MTRS reports that Ms. Genualdo is retired for superannuation as of April 2021, with benefits similar but not identical to those she would receive on ordinary disability retirement.

“environment” at work, not to any specific incidents. Ms. Genuardo herself, with a longstanding knowledge of human resources terminology, has tended to describe her experience as a “hostile work environment,” a phrase that evokes “pervasive” improprieties rather than one-off occurrences. See *Gyulakian v. Lexus of Watertown, Inc.*, 475 Mass. 290, 296 (2016); *Downey v. Johnson*, 104 Mass. App. Ct. 361, 372 (2024).

The requirement that an ongoing workplace condition must be “uncommon” in order to support accidental disability retirement is a significant hurdle. In principle, it is not impossible for workplace stressors to qualify: the Appeals Court in *Blanchette* recognized the potential hazard of “constant exposure to life threatening situations or to continual traumatic or depressing events.” 20 Mass. App. Ct. at 487 n.7. But less extreme stressors have consistently failed the “uncommonness” requirement. “[F]requent conflicts with coworkers,” *id.* at 484, do not qualify. Nor do “increasing demands by superiors.” *Fender v. Contributory Ret. Appeal Bd.*, 72 Mass. App. Ct. 755, 761 (2008). Nor do “humiliating encounters” at the workplace. *Sugrue v. Contributory Ret. Appeal Bd.*, 45 Mass. App. Ct. 1, 5 (1998). See also *Giacoppo v. State Bd. of Ret.*, No. CR-12-563, 2016 WL 11956833, at *3 (Contributory Ret. App. Bd. Nov. 22, 2016).

Aspects of Ms. Genuardo’s workplace experience did rise to the level of qualifying hazards. It is not “common” for a manager to engage in unwanted sexual comments and behaviors. See Commonwealth of Massachusetts, [Sexual Harassment Policy](#) (January 2021). Sexual harassment is a problem to be addressed by public employers and their retirement systems, not by “personal health insurance.” *Adams v. Contributory Ret. Appeal Bd.*, 414 Mass. 360, 366 (1993). MTRS’s counsel emphatically agreed with these points at the hearing. Arguably, the uncommon portion of the case may also extend to Ms. Genuardo’s fraught

interactions with her supervisees, who were themselves suffering from harassment and discrimination, and who blamed Ms. Genualdo for her complicated role in those wrongs.

The decisive problem for Ms. Genualdo is that her workplace interactions with both the supervisor and the clerical workers ended more than two years before she filed her January 2021 retirement application: the two workers were fired in mid-2018, and the supervisor was placed on leave in December of that year.⁵ The statutory exceptions to the two-year time limit, G.L. c. 32, § 7(1), (3), are not implicated here.⁶ And the case law has declined to recognize a general fairness-based exception or a “discovery rule” in this context. *See Witkowski v. Contributory Ret. Appeal Bd.*, 90 Mass. App. Ct. 1122 (2016) (unpublished memorandum opinion).

Other stressors of Ms. Genualdo’s job did persist into the two years leading up to her retirement application: namely, her enlarged workload, the MCAD litigation, and the litigation-related meetings with attorneys and investigators. But these remaining workplace conditions do not satisfy the uncommonness requirement. They amount to the types of “increasing demands,” “conflicts,” and “humiliating encounters” that the case law has deemed excessively common for § 7(1)’s purposes. The fact is that employees in many occupations are overworked at times. *Fender*, 72 Mass. App. Ct. at 761. And complaints by subordinates to an appropriate

⁵ The superintendent’s post-retirement telephone calls to Ms. Genualdo cannot reasonably be viewed as a condition of her public employment, especially given that the telephonic contact between Ms. Genualdo and the superintendent persisted uninterrupted throughout her career with multiple employers.

⁶ Ms. Genualdo received a lump sum in workers’ compensation proceedings, but her employer admitted no liability. *See Manning v. State Bd. of Ret.*, No. CR-12-325, 2021 WL 12297905, at *6 n.50 (Contributory Ret. App. Bd. Aug. 27, 2021).

body such as MCAD cannot reasonably be viewed as more “uncommon” than severe conflicts or bullying inside the office. *Sugrue*, 45 Mass. App. Ct. at 5.

Conclusion and Order

Ms. Genuardo is entitled to retire for ordinary disability but not for accidental disability.

MTRS's decision is MODIFIED accordingly.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals