

DIVISION OF ADMINISTRATIVE LAW APPEALS

GLOSSARY OF COMMON TERMS

Important Note. This glossary offers informal definitions of abbreviations, words, and phrases that appear often in the decisions of the Division of Administrative Law Appeals. The glossary's definitions have no legal force and may not be perfectly accurate. Readers should not rely on the glossary for legal advice or guidance.

Abbreviations

¶. Paragraph.

§. Section.

Admin. Administrative.

App. Appeal or appeals.

Bd. Board.

BORIM (also BRM). The [Board of Registration in Medicine](#).

C.M.R. The [Code of Massachusetts Regulations](#).

CRAB. The [Contributory Retirement Appeal Board](#).

DALA. The [Division of Administrative Law Appeals](#).

DEEC (also EEC). The [Department of Early Education and Care](#).

Div. Division.

DPPC. The [Disabled Persons Protection Commission](#).

EOHHS (also HHS). The [Executive Office of Health and Human Services](#).

EOVS. The [Executive Office of Veterans' Services](#).

FLD. The [Fair Labor Division](#) of the [Office of the Attorney General](#).

G.L. The [Massachusetts General Laws](#).

Mass. Massachusetts or the [Massachusetts Reports](#).

Mass. App. Ct. The [Massachusetts Appeals Court Reports](#).

MSERS. The [Massachusetts State Employees' Retirement System](#).

MTRS. The [Massachusetts Teachers' Retirement System](#).

OAG (also AGO). The [Office of the Attorney General](#).

PERAC. The [Public Employee Retirement Administration Commission](#).

Ret. Retirement.

SBR. The [State Board of Retirement](#).

SJC. The [Supreme Judicial Court](#).

Syst. System.

Words and Phrases

Adjudicate (verb). To adjudicate a case is to oversee and decide it.

Administrative agency (also agency). A board, department, or other office in the executive branch of government, that is, the part of the government responsible for executing the laws. Administrative agencies enforce laws, publish regulations, and decide disputes related to their work.

Administrative law. The rules that apply to the work of administrative agencies.

Administrative magistrate (also magistrate). A person who oversees trials and decides disputes related to administrative law. Administrative magistrates swear in witnesses, hear testimony, choose which evidence to consider, and make legal and factual decisions.

Administrative Procedures Act (also APA). [Chapter 30A](#) of the Massachusetts General Laws, a statute that applies to the work of Massachusetts administrative agencies.

Administrative proceedings. A case before an administrative agency, or the process through which an administrative agency oversees and decides a case.

Admit (verb). To admit testimony or documents is to allow them to be used as proof of facts. Magistrates are responsible for admitting and excluding evidence in administrative cases.

Affidavit. A written statement made under oath or under the penalties of perjury.

Affirm (verb). To affirm a decision is to formally approve of its result. An affirmed decision remains legally binding.

Answer. A document that lists a respondent's defenses, the facts that the respondent admits, and the facts that the respondent denies.

Appeal. A procedure in which the decision of one court, magistrate, or agency is reviewed by another court, magistrate, or agency with the power to change or cancel the result of the original decision.

Board. A type of agency.

Board of Registration in Medicine. The agency responsible for licensing and disciplining doctors and acupuncturists in Massachusetts.

Brief. A document that describes a party's arguments and supporting sources.

Burden of proof. The responsibility of proving that a party's claims are true. The law places the burden of proof in each case on one of the parties, usually the party who brought the case.

Call witnesses. To call people as witnesses is to invite them to testify at a hearing. When a witness is not willing to go to the hearing voluntarily, the party who wants the witness to testify may need to ask the court or magistrate for a subpoena.

Case law. Published decisions that provide guidance about legal issues.

Continuance. A decision to postpone an event or a deadline. Additional information about continuances is published on [DALA's website](#).

Contributory Retirement Appeal Board. The agency that decides appeals from DALA's decisions in cases about public retirement benefits.

Creditable service (also credit or service). The amount of time that a person is considered to have worked as a public employee for purposes of calculating the person's public retirement benefits.

De novo. All over again. A court or magistrate reviewing an earlier decision de novo usually may hear new evidence, and in any case does not assume that the earlier decision was probably correct.

Decision (also opinion). A written statement of a court or magistrate's analysis, conclusions, and instructions. DALA's decisions are published on [DALA's website](#).

Default. When a party's actions or inactions do not satisfy the requirements of applicable procedural rules. A party's default may lead to a decision against that party.

Department of Early Education and Care. The agency responsible for licensing people who provide early education and care in Massachusetts.

Disabled Persons Protection Commission. The agency responsible for preventing abuse of people with disabilities in Massachusetts.

Discovery. The process through which parties request information and documents from each other and provide information and documents to each other.

Dismissal. A decision ending an appeal or other case without scheduling additional events and without providing a favorable result to the petitioner. A dismissal is usually the result of technical problems, not the disputed facts.

Division of Administrative Law Appeals. An agency that oversees and decides challenges to decisions of various other Massachusetts agencies.

Due process. Constitutional rules meant to protect people against losing their property or other rights unfairly. Due process includes the right to be told what a government agency's accusations are, the right to make arguments and offer evidence, and the right to have each case decided by a fair decision maker.

Equity. Flexible fairness-related rules that certain courts in the judicial branch have historically followed but that do not appear in statutes or other formal sources of law.

Evidence. Testimony, documents, and other items offered as proof of facts.

Evidentiary hearing (also hearing). A trial-type event at which parties question witnesses, offer exhibits, and make arguments.

Ex parte (adjective). To act *ex parte* is to act without the opposing party's knowledge. *Ex parte* discussions between a party and a magistrate are generally not allowed, which is why whenever parties send documents to DALA, they also need to send copies to the opposing party.

Examination. Formal questioning of a witness under oath or under the penalties of perjury. A cross-examination is an examination of a witness who was called by the opposing party.

Exclude (verb). To exclude testimony or documents is to refuse to allow them to be used as proof of facts. Magistrates are responsible for admitting and excluding evidence in administrative cases.

Executive Office of Health and Human Services. An agency responsible for various aspects of healthcare in Massachusetts. Among its other duties, the Executive Office of Health and Human Services sets annual rates of payment to healthcare facilities for healthcare services.

Executive Office of Veterans' Services. An agency that oversees services for Massachusetts veterans. It was previously known as the Department of Veterans' Services.

Exhibit. A document or other item that a party asks the court or magistrate to consider.

Exhibit list. A document that numbers and describes the exhibits that a party plans to offer.

Expedite (verb). To expedite an appeal or other process is to make them happen faster than usual.

Failure to prosecute. When a party does not participate in a case actively enough to allow the court or magistrate to oversee and decide the case. A party most commonly fails to prosecute by not appearing for a scheduled hearing or conference or by not filing papers required by a rule or an order.

Failure to state a claim. When the papers filed by a petitioner do not include factual claims that, if true, could lead the court or magistrate to decide the case in the petitioner's favor.

Fair Labor Division. A unit in the Office of the Attorney General responsible for enforcing various Massachusetts labor laws.

File (verb). To file documents is to formally provide them to a court, agency, or magistrate so that the documents can be included in the official set of case documents (the case file). Today, parties typically may file documents by electronic methods, such as email.

Hearsay. Certain types of statements made outside the trial or hearing. A witness's testimony might include hearsay if the witness testifies about statements that the witness heard from other people before the hearing.

Interrogatory. A formal question sent in writing from one party to another.

Joinder (also intervention). A decision to treat an additional individual or organization as a new party to a case.

Jurisdiction. The legal power to decide a case.

Jurisdictional (adjective). An issue is jurisdictional if it affects a court or magistrate's jurisdiction. A jurisdictional problem leaves the court or magistrate without the power to decide the case.

Material (adjective). A fact or issue is material if it may affect the result of a case.

Member. A person who has joined a public retirement system and has not ended that membership.

Motion. A formal request from a party to a court or magistrate, either in writing or in person, asking the court or magistrate to take some specific action or to allow a party to take some specific action.

Notice of appeal. A formal document filed with a court or agency and stating that a party wishes to appeal a certain decision.

Objection. A party's statement that the court or magistrate should not agree to consider certain testimony or exhibits.

Opposition. A document that presents the reasons why one party believes that the court or magistrate should deny an opposing party's motion (request).

Order. A document or oral statement providing instructions from the court or magistrate to the parties.

Order to show cause. An order stating that a court, magistrate, or agency is thinking of taking a certain action (such as dismissing an appeal or imposing professional discipline), and instructing a party to explain, if they can, why that action would not be appropriate.

Party. A person or organization who starts, responds to, or is the subject of an appeal or other case.

Petitioner. A party who starts an appeal or other case, for example by filing a notice of appeal.

Pleadings. The formal papers filed by parties to describe their claims, their defenses, the facts they allege, the facts they admit, and the facts they deny.

Prehearing conference. A formal meeting between the court or magistrate and the parties for purposes other than testimony. Topics often discussed at a prehearing conference include attempts to clarify the dispute, scheduling, and procedural issues. A conference may take place in person, by telephone, or by videoconference.

Prejudice. Negative results of an action or a decision. An order dismissing a case or rejecting an argument with prejudice means that the same case or argument cannot be presented to the same court, magistrate, or agency again.

Pseudonym. A fictional name used in a decision or other document instead of a real name, usually to protect the identity of the real person.

Public Employee Retirement Administration Commission. The agency responsible for supervising Massachusetts's public retirement systems.

Public Retirement Law (also retirement law or retirement statute). [Chapter 32](#) of the Massachusetts General Laws, a statute that defines the retirement rights of Massachusetts public employees.

Pro se (adjective). To act pro se is to act without being represented by an attorney or other person.

Purchase (of credit). The act of making a payment to a retirement system and, in return, receiving retirement credit for a period of work that otherwise would not count. The Public Retirement Law allows purchases of credit only in specific circumstances.

Record. The official collection of documents that shows what has happened in a particular case. The record includes the court or magistrate's decision, any exhibits, any transcripts or recordings, and often other papers.

Redact (verb). To redact a portion of a document is to make it unreadable, for example by blacking it out. Redactions are used most often to protect the privacy of personal information.

Regulation. A rule formally adopted and published by an administrative agency. Regulations of Massachusetts agencies are published in the [Code of Massachusetts Regulations](#).

Remand (verb). To remand a case is to return it to an earlier court, magistrate, or agency for further action.

Retirement allowance. The retirement benefits paid to qualifying public employees and their beneficiaries. Formally speaking, the allowance includes two parts, the annuity and the pension. A person's entitlement to a retirement allowance and the amount of any allowance are controlled by the Public Retirement Law.

Retirement board. An agency that manages a public retirement system.

Retirement system. An organization that collects retirement deductions from Massachusetts public employees and distributes retirement benefits to them and to their beneficiaries.

Reverse (verb). To reverse a decision is to change its result. A reversed decision is no longer in effect, and its instructions are replaced by the instructions included in the reversing decision.

Respondent. The party that is required to defend its decision or behavior in response to an appeal or other case.

Serve (verb). To serve documents is to formally provide them to an opposing party. Today, parties typically may serve documents by electronic methods, such as email.

Standard rules. A set of procedural rules that apply to cases before DALA and other agencies. They are published in the Code of Massachusetts Regulations, [title 801, chapter 1.00](#). Two subsets within the standard rules are the "formal rules" and the "informal rules." DALA generally identifies the rules that will apply in its first notice to the parties.

Statute. A formal law adopted and published by a legislature. Statutes adopted by the Massachusetts Legislature are usually published in the [Massachusetts General Laws](#).

Stay. A pause in the case ordered by the court or magistrate.

Stipulation. A formal agreement between opposing parties, usually about a point of fact, procedure, or evidence.

Sua sponte (adjective). Courts or magistrates act sua sponte when they act on their own initiative, not in response to a party's request.

Subpoena. An order instructing a person who is not a party to testify at a hearing or to give copies of certain documents to a party. Additional information about subpoenas is published on [DALA's website](#).

Superannuation retirement. Retirement based on an employee's age and amount of creditable service.

Testimony. Statements made under oath or under the penalties of perjury.

Tribunal. A court, magistrate, or other body responsible for resolving disputes.

Vacate (verb). To vacate a decision is to cancel its result. A vacated decision is no longer in effect, and additional proceedings may be necessary.

Witness. A person who gives testimony, usually orally but sometimes in writing.

Witness list. A document that lists the witnesses that a party plans to call.