

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Patricia Glynn,
Petitioner,

Docket Nos.: CR-25-0313, CR-25-0314

Dated: September 11, 2026

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

In these dockets, petitioner Patricia Glynn seeks to challenge two letters issued to her by the Massachusetts Teachers' Retirement System (board). Each letter discussed an aspect of Glynn's entitlements under the public retirement law, G.L. c. 32. A prior order directed Glynn to show cause why the appeals should not be dismissed for lack of jurisdiction or failure to state a claim upon which relief can be granted. Glynn has filed a timely, articulate response. For the reasons that follow, dismissal of the appeals is warranted nonetheless. In a nutshell, neither of the board's letters "aggrieved" Glynn within the meaning of G.L. c. 32, § 16(4).

The board's letters and the essential background to them may be summarized as follows. Various sections of the retirement law provide special treatment to employees who established their retirement-system membership on or before April 1, 2012. *E.g.*, G.L. c. 32, §§ 5(1)(a), 10(1), 106(b). The board refers to such individuals as "tier 1" members and to other members as "tier 2" members. Glynn became a member of a public retirement system in 1985, withdrew her accumulated retirement contributions in 1995, and reestablished her membership in 2017. In the letter that prompted appeal number CR-25-0314, the board stated its view that Glynn belongs in tier 2.

Over the years, Glynn has performed intermittent work for several public colleges. In a series of preprinted forms, Glynn applied to purchase retirement credit for those stints. The board granted four of the requests and issued purchase invoices. Each invoice stated an amount of credit that Glynn would accrue as a result of her purchase. In the letter that prompted appeal number CR-25-0313, the board explained and memorialized its calculations.¹

The decisions of the retirement boards are appealable by “any person when aggrieved” by the decisions. G.L. c. 32, § 16(4). The word “aggrieved” in this context denotes actual, practical injuries to a party’s rights. *See Board of Health of Sturbridge v. Board of Health of Southbridge*, 461 Mass. 548, 557 (2012). In the retirement setting, aggrieving decisions tend to be those that operatively decrease a member’s benefits or increase the amounts owing from her. A non-final opinion that may or may not effect adverse consequences does not qualify. *See Gloucester Ret. Bd. v. Public Emp. Ret. Admin. Comm’n*, No. CR-21-217, 2025 WL 2322619, at *1 (Contributory Ret. App. Bd. May 28, 2025) (citing cases).

Carefully examined, the board’s two letters state non-final conclusions not now entailing practical consequences. Glynn is not yet retired or retiring. Is not yet possible to say whether she will retire at all; for example, she may choose to withdraw her contributions again. If Glynn does retire, it is not yet possible to identify the specific provisions that will govern the benefit calculations, or even the specific board that will perform them. The pertinent board will

¹ Glynn’s most recent submission also references a newer entitlement-related disagreement between her and the board. It would be an error to “enlarge[] the scope of [the] appeal by considering a claim that was not part of the Board decision on appeal.” *Blatt v. State Bd. of Ret.*, CR-20-199, 2026 WL 714126, at *3 (Contributory Ret. App. Bd. Feb. 19, 2026). *See also Lowrey v. State Bd. of Ret.*, No. CR-19-202, 2026 WL 714139, at *4 (Contributory Ret. App. Bd. Feb. 19, 2026).

need to undertake updated analyses of Glynn’s creditable service, regular compensation, and other “variables not determinable until the date of eligibility.” *Early v. State Bd. of Ret.*, 420 Mass. 836, 841 (1995). The final analyses will need to account for the updated facts and law. Any miscalculations, factual misunderstandings, or legal errors made by Glynn’s boards on earlier occasions will need to be corrected. *Clothier v. Teachers’ Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010); *Hunter v. Contributory Ret. Appeal Bd.*, 80 Mass. App. Ct. 257, 263 (2011). *See also Gladkowski v. State Bd. of Ret.*, No. CR-92-925, at *6 (Div. Admin. Law App. June 2, 1995, *aff’d*, Contributory Ret. App. Bd. Oct. 16, 1995).²

Otherwise stated, the board’s letters to Glynn are predictive rather than operative. They do not now effect consequences, and may never do so. It follows that the letters are not appealable. Glynn’s right to appeal will arise if and when the board makes decisions to actually disburse an injurious amount of benefits to her or to actually collect an injurious amount of contributions from her.

It is easy to sympathize with Glynn’s desire to pursue these appeals at this juncture. An authoritative determination of her rights would enable Glynn to plan her future with greater confidence. But as a rule, adjudicative tribunals have no proper role in disputes whose practical

² Some of these points may be less obvious with respect to Glynn’s purchase applications. The board’s invoices do effect certain immediate consequences: they set purchase prices and payment deadlines. But Glynn does not challenge those aspects of the board’s work. The “decisions” she seeks to contest are the board’s calculations of the credit to which Glynn eventually will be entitled in connection with her purchasable periods. The calculations are tricky: they involve applications of the board’s rules and regulations to part-time employment on academic calendars. Under the cases cited in the main text, if the board’s current numbers are erroneous, neither the board nor Glynn will be bound by them at the time of her retirement.

consequences have not yet crystalized. *See generally Commonwealth v. Blair*, 60 Mass. App. Ct. 741, 745-47 (2004); *Worcester Reg'l Ret. Bd. v. Public Emp. Ret. Admin. Comm'n (Vernava II)*, 489 Mass. 94, 98 (2022). A decision in these appeals might not even truly reassure Glynn about the pertinent aspects of her entitlements, given that the applicable law or facts could change by the time of her retirement. *See generally* Restatement (Second) of Judgments §§ 16, 20, 26, 73 (1982). Regardless, the decisive point is that the jurisdiction of this administrative tribunal is limited to the types of cases and forms of relief that the Legislature has assigned to it. *See Commissioner of Revenue v. Marr Scaffolding Co.*, 414 Mass. 489, 493 (1993). The limited authority to issue “binding declarations of right” in imminent-but-not-yet-realized controversies is reserved to enumerated judicial courts. *See* G.L. c. 231A, § 1; *Vernava II*, 489 Mass. at 98.³

In view of the foregoing, it is hereby ORDERED that these appeals are DISMISSED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals

³ Glynn says in her recent submission that “the Board should reconsider . . . [her] concerns now, rather than deferring them.” This order does not preclude and is not meant to discourage the board from acceding to that request in its discretion.