

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Susan Good,
Petitioner,

Docket Nos.: CR-26-0018, CR-26-0039

Dated: October 9, 2026

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Susan Good is a teacher and a member of the Massachusetts Teachers' Retirement System (board). These appeals originate with Good's request for a board-issued estimate of her accumulated retirement credit. A prior order invited the parties to be heard on whether the pertinent board decisions were appealable. Good has filed a well-researched and well-argued responsive brief. Nevertheless, for the reasons that follow, the decisions were not appealable, and the appeals are not properly before this tribunal.

The essential history is the following. Good began working as a teacher in approximately 1996. She requested an estimate of her creditable service in 2024. During the intervening years, Good worked part-time during certain stretches, and the board amended its regulation about the credit attributable to such work, 807 C.M.R. § 3.04. *See Madden v. Contributory Ret. Appeal Bd.*, 431 Mass. 697, 700 (2000).

The board issued its estimate to Good on January 10, 2025. The estimate's arithmetic flowed from an analytical determination that at least some of Good's part-time work entitled her only to prorated credit. On January 31, 2025, the board reiterated that view in a formal letter, which included standard appellate-rights language under G.L. c. 32, § 16(4).

In December 2025, citing additional evidence about her employment history, Good asked the board to reconsider its decision; when the board declined, Good filed appeal number CR-26-0018. Good also asked the board to reconsider its refusal to reconsider; when the board did not respond, Good filed appeal number CR-26-0039. *See generally Mitchell v. Massachusetts Tchrs.' Ret. Syst.*, No. CR-23-444, 2024 WL 7002504, at *1 (Div. Admin. Law App. June 25, 2024).

Creditable service is an element of the formula that determines the allowance payable to a public employee who retires for superannuation. G.L. c. 32, §§ 4(1), 5(2)(a). Good is not yet retiring. At bottom, the board's decisions tell her how the board plans to calculate her allowance sometime in the future. *See Early v. State Bd. of Ret.*, 420 Mass. 836, 841 (1995). The appealability of decisions made in this posture has been assumed in prior matters, *see, e.g., Madden, supra*,¹ but not decided in them, *see generally Hagans v. Lavine*, 415 U.S. 528, 533 n.5 (1974).

¹ *Madden* aside, a number of the precedents referenced in Good's brief, *e.g., Shailor v. Bristol Cty. Ret. Bd.*, No. CR-20-343, 2025 WL 1092641, at *1 (Contributory Ret. App. Bd. Feb. 5, 2025), arose from board decisions denying applications to "purchase" credit. Such decisions stand on a different footing with respect to the considerations discussed in the remainder of this order. They entail the immediate consequence of preventing the member from consummating the purchase (by paying the purchase price). And they may not necessarily be susceptible to reconsideration at the time of the member's retirement. *See Fratto v. State Bd. of Ret.*, No. CR-24-372, 2025 WL 1284150, at *2 (Div. Admin. Law App. Apr. 25, 2025). In other opinions cited by Good, *e.g., Nally v. Massachusetts Tchrs.' Ret. Syst.*, No. CR-25-258, 2026 WL 226704, at *1 (Div. Admin. Law App. Jan. 23, 2026), the member's retirement was imminent. *See White v. Somerville Ret. Bd.*, No. CR-22-95, 2022 WL 16921475, at *1 n.1 (Div. Admin. Law App. Sept. 2, 2022); *Labbe v. Hartford Pension Comm'n*, 682 A.2d 490, 499 (Conn. 1996).

The adjudicatory jurisdiction of an administrative tribunal depends on statutory grants of authority. *See Commissioner of Revenue v. Marr Scaffolding Co.*, 414 Mass. 489, 493 (1993). The statute pertinent here is G.L. c. 32, § 16(4), which allows “aggrieved” persons to appeal from the decisions of the retirement boards. *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).

The word “aggrieved” is a legal term of art. In general terms, it denotes “prejudice” to a person’s “substantial rights.” *Board of Health of Sturbridge v. Board of Health of Southbridge*, 461 Mass. 548, 557 (2012). The “injury” at stake must be “direct and certain.” *Ginther v. Commissioner of Ins.*, 427 Mass. 319, 323 (1998). More “remote and speculative” harm does not qualify. *Group Ins. Comm’n v. Labor Rels. Comm’n (GIC)*, 381 Mass. 199, 204 (1980). Folded into these formulas is a “ripeness” requirement: a party is not yet aggrieved until the pertinent adverse consequences have become present or imminent. *See Northwest Pipeline Corp. v. F.E.R.C.*, 986 F.2d 1330, 1333 (10th Cir. 1993); *Kennecott Utah Copper Corp. v. U.S. Dep’t of Interior*, 88 F.3d 1191, 1223 (D.C. Cir. 1996).

It follows from the foregoing points that, to be aggrieving, a decision must be final: when subsequent proceedings will enable the decision-making body to revisit and revise its decision, nothing final, ripe, or aggrieving has occurred yet. *See Town of Wrentham v. West Wrentham Vill., LLC*, 451 Mass. 511, 514 (2008); *Town of E. Longmeadow v. State Advisory Comm’n*, 17 Mass. App. Ct. 939, 940 (1983); *F.T.C. v. Standard Oil Co. of California*, 449 U.S. 232, 242 (1980); *Coffran v. Board of Trs. of New York City Pension Fund*, 46 F.3d 3, 4 (2d Cir. 1995). *See also Bretschneider v. Public Emp. Ret. Admin. Comm’n*, No. CR-09-701, at *2 (Div. Admin. Law App. Nov. 13, 2009). A board’s analysis of a not-yet-retiring member’s accumulated credit

is non-final for reasons established in mirror-image cases—namely, those in which a board initially gave the member a *favorable* determination. The courts have held that such a board cannot view the pertinent issues as having been settled by the board’s original determination. The board must instead revisit the matter upon the member’s retirement and correct any earlier errors at that time. *See 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); *Moynihan v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 1108, 2024 WL 2862240, at *3 (2024) (unpublished memorandum opinion). *See also Gladkowski v. State Bd. of Ret.*, No. CR-92-925, at *2-3 (Contributory Ret. App. Bd. Oct. 16, 1995); *Gerrish v. State Bd. of Ret.*, No. CR-22-188, 2024 WL 4582637, at *1 (Div. Admin. Law App. July 26, 2024).²

Even a final decision is not aggrieving if its adverse consequences are “remote,” *GIC*, 381 Mass. at 204, or “[un]certain,” *Ginther*, 427 Mass. at 323. The potential consequences of the decisions issued here may materialize at some point, i.e., when Good retires. But significant uncertainties are at play. Good may decide to withdraw her accumulated contributions instead of retiring. *See* G.L. c. 32, §§ 10(4), 11(1). She may continue to work and to accrue creditable service until she “maxes out” her benefits irrespective of the current dispute. *See id.* § 5(2)(a). She may take a job as a non-teacher, with retirement benefits administered by a differently minded board. Courts have generally viewed disputes contingent on such uncertainties as unripe. *Compare Auerbach v. Board of Educ. of the Harborfields Cent.*

² The board seemed to recognize this principle in its boilerplate estimate form, a version of which was issued to Good on January 10, 2025. The form included the disclaimer: “All service credit is subject to audit and verification by [the board] at the time of your retirement. . . . Accordingly . . . it is possible that service listed here may be modified”

Sch. Dist. of Greenlawn, 136 F.3d 104, 109 (2d Cir. 1998), *Lugo v. Employees Ret. Fund of Illumination Prods. Indus.*, 529 F.2d 251, 257-58 (2d Cir. 1976), and *Ames v. Regional Transportation Dist.*, No. 05-cv-1567, 2007 WL 841805, at *3 (D. Colo. Mar. 20, 2007), with *Riva v. Commonwealth of Mass.*, 61 F.3d 1003, 1011 (1st Cir. 1995). See also *Worcester Reg'l Ret. Syst. v. Middlesex Cty. Ret. Syst.*, No. CR-23-6, 2024 WL 4491676, at *2-3 (Div. Admin. Law App. Aug. 16, 2024).

To summarize the situation, at this point in Good's career, the board's position with respect to her accumulated retirement credit does not prejudice her "substantial rights." *Sturbridge*, 461 Mass. at 557. The board is not now decreasing Good's benefits, increasing her contributions, or effecting other practical consequences. See *Bretschneider, supra*, at *2. See also *In re Combustion Eng'g, Inc.*, 391 F.3d 190, 214 (3d Cir. 2004). If Good should one day retire for superannuation, the board will be required to revisit its views and to correct any errors it may now be making. See *Clothier*, 78 Mass. App. Ct. at 146; *Hunter*, 80 Mass. App. Ct. at 263. For an array of practical reasons, that day may never materialize. In these circumstances, Good was not "aggrieved" either by the board's original decision or by the board's subsequent refusals to reconsider.

Accordingly, it is hereby ORDERED that this appeal is DISMISSED without prejudice.³

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
Division of Administrative Law Appeals

³ The specific board letters analyzed here cannot be relitigated. The dismissal is without prejudice in the sense that it does not bar future proceedings on the same substantive claim. See *MAO-MSO Recovery II, LLC v. State Farm Mut. Auto. Ins. Co.*, 935 F.3d 573, 581-82

(7th Cir. 2019). Good’s alternative request for “[a] ruling that [the board’s] present . . . position . . . may be challenged when applied in a final retirement determination” is consistent with this order’s analysis, *except* that a tribunal dismissing a case cannot simultaneously enter relief in favor of the petitioner or plaintiff. *See Garza v. Samuel*, No. 08-21-44, 2023 WL 6374295, at *1 (Tex. App. Sept. 29, 2023).