

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Sherman Hall,
Petitioner

Docket No. CR-25-0573

v.

State Board of Retirement,
Respondent

Appearances:

For Petitioner: Sherman Hall, pro se

For Respondent: Alison Eggers, Esq.

Administrative Magistrate:

Judi Goldberg

SUMMARY OF DECISION

Petitioner is a Ranger at the Massachusetts State House who sought to have his job classified in Group 4. Because G.L. c. 32, § 3(2)(g), does not include the job title “Ranger” or “Ranger/Lieutenant,” respondent’s denial of petitioner’s request for Group 4 classification is affirmed.

DECISION

Petitioner Sherman Hall timely appealed, under G.L. c. 32, § 16(4), respondent State Board of Retirement’s (SBR) denial of his request to have his job reclassified in Group 4. I held and recorded a virtual hearing on August 24, 2026, during which Mr. Hall was the only witness. I admitted nine exhibits into the record. The parties chose to submit written closing arguments, after which I closed the administrative record.

Findings of Fact

1. Petitioner Sherman Hall began working for the Department of Conservation and Recreation (DCR) in February 2006. He became a member of the Massachusetts State Employees Retirement System (MSERS) at that time. (Agreed-upon facts.)

2. From 2006 to 2018, Mr. Hall worked as a Ranger I. From 2018 to 2024, Mr. Hall worked as a Ranger II. From November 2024 to March 2025, Mr. Hall was an acting Ranger III; he returned to being a Ranger II in March 2025. His current title is Ranger II and he is a Lieutenant in the State House Security Program. (Agreed-upon facts; Ex. 2.)

3. The State House Security Program is responsible for the protection of the Massachusetts State House, elected officials, employees, and visitors to the State House. (Agreed-upon facts.)

4. Mr. Hall works the night shift from 10 p.m. to 6 a.m., Sunday through Thursday. He supervises five to seven Rangers during his shifts. (Testimony.)

5. During the night shift, he and his staff perform both interior and exterior patrols. He also spends several hours each shift working in his office performing administrative tasks. (Testimony.)

6. Mr. Hall's day-to-day responsibilities also include responding to fire alarms, emergencies, hazardous materials incidents, and encounters with trespassers and other persons of interest. (Testimony.)

7. Mr. Hall does not have the power to arrest or detain people. He does not carry a weapon. (Testimony.)

8. At times, Mr. Hall contacts the State Police for assistance. For example, he might contact the State Police to deal with trespassers. (Testimony.)

9. On April 18, 2025, Mr. Hall applied to the SBR for Group 4 classification. (Exs. 1, 2.)

10. The SBR denied his application on September 26, 2025, because the relevant provision of Chapter 32 does not list his title and position as eligible for Group 4 classification. (Ex. 7.)

11. Mr. Hall timely appealed from SBR’s denial. (Ex. 9.)

Analysis

As the petitioner, Mr. Hall has the burden to demonstrate by a preponderance of the evidence, or that it is more likely than not, that he is entitled to a retirement benefit under Chapter 32 of the Massachusetts General Laws. *See, e.g., Byrne v. Massachusetts Teachers' Ret. Sys.*, CR-15-609, at *4 (Div. Admin. Law App. Jan. 26, 2018).

Within the chapter governing retirement benefits, Section 3(2)(g) establishes four “groups” or classes of governmental occupations for the purpose of calculating pension amounts. “Group 4,” which Mr. Hall suggests should include his role as a Ranger, includes “members of police and fire departments not classified in Group 1” and other enumerated positions that generally involve physical risk and public safety. G.L. c. 32, § 3(2)(g). Group 4 classification is desirable because it generates a higher rate of pension allowance at an earlier age than other groups. G.L. c. 32, § 5(2)(a).¹

“[T]he Legislature has consistently described employees falling within Group 4 by naming their positions or titles rather than by describing the type of work they perform.” *Gaw v. Contributory Ret. App. Bd.*, 4 Mass. App. Ct. 250, 254 (1976). The list of Group 4 job titles does

¹ The original purpose of Group 4 was to encourage early retirement of police officers and fire fighters to make room for younger employees “to perform the arduous and hazardous tasks expected of such employees.” *Gaw v. Contributory Ret. App. Bd.*, 4 Mass. App. Ct. 250, 253 (1976).

not include the position of “Ranger.” For examples of cases involving people who perform law enforcement functions but are not included in Group 4, see *Connor v. Plymouth County Retirement Association*, CR-20-01421, 2022 WL 18398943, at *3 (Div. Admin. L. App. Dec. 2, 2022) (collecting examples of the “long line of cases, where persons who perform law enforcement functions are nevertheless excluded from group 4 status”).²

Mr. Hall recognizes that the list of Group 4 job titles does not include Rangers. Rather, he argues that the SBR should examine his job duties as part of its classification analysis, citing *Gaw*, *supra*. To that end, Mr. Hall submitted job descriptions for, and testified about, his work as a Ranger. In *Gaw*, the question was whether the plaintiff’s job fell within the clause “employees of a municipal gas or electric plant who are employed as linemen, electric switchboard operators, electric maintenance men, steam engineers, boiler operators, firemen, oilers, mechanical maintenance men and supervisors of said employees” *Id.* at 256. Rather than inviting analysis of job description and functions in every situation, *Gaw* stands for the proposition that, “[a]part from the clause at issue in the present case . . . the Legislature has consistently described employees falling within Group 4 by naming their positions or titles rather than by describing the type of work they perform.” *Id.* at 254 (emphasis added). Although Mr. Hall is correct that the

² For example: *Larivee v. State Bd. of Ret.*, CR-18-0649, 2022 WL 16921435 (Div. of Admin. L. App. Sept. 16, 2022) (state university police); *Carroll v. MassPort Employees’ Ret. Bd.*, CR-10-814 (Div. Admin. L. App. Jan 9, 2014) (captain, Massport security services), *aff’d*, 2016 WL 11956811 (Contributory Ret. App. Bd. Feb. 9, 2016); *Cremins v. State Bd of Ret.*, CR-08-627, 2009 WL 5966914 (Div. Admin. L. App. June 18, 2009) (campus police officer); *City of Boston v. Boston Ret. Bd.*, CR-06-408, 2008 WL 7540601 (Div. Admin. L. App. Apr. 14, 2008) (Boston school police); *Dent v. Hampshire County Ret. Bd.*, CR-01-1065 (Div. Admin. L. App. Feb. 3, 2004) (police dispatcher); *Juliano v. State Bd. of Ret.*, CR-01-1085 (Div. Admin. L. App. Nov. 7 2002) (director of public safety, Bunker Hill Community College); *Orr v. Worcester County Ret. Bd.*, CR-90-968 (Div. Admin. L. App. Apr. 15, 1992) (police dispatcher / secretary / rape officer).

Court in *Gaw* discussed the plaintiff's job duties as part of its analysis, it did so to determine whether the plaintiff's job fell within one of the enumerated positions in Group 4, not to determine whether Group 4 should expand to include the plaintiff's duties or his job title.

Mr. Hall also cites *Curley v. State Board of Retirement*, CR-24-0724, 2026 WL 2283127 (Div. Admin. L. App. July 31, 2026), in support of his position that the analysis in his case should include his job description and duties. However, the issue in *Curley* was whether correction officers – a title that appears in Group 4 – whose titles included additional descriptive words (*e.g.*, “shift supervisor/C.O.” and “residential supervisor/C.O.”) belong in Group 4. *Id.* at *2. Mr. Hall's current title of Ranger II/Lieutenant does not create the ambiguity extant in *Curley* and as a result does not require analysis of his job description or duties.

As support for his appeal, Mr. Hall presents a well-researched summary of the legislative history behind the Park Ranger Program. He states that in the 1970s, the Legislature moved the Capitol Police Force from Group 2 and into Group 4, later identified the Capitol Police Force among the police forces of the Commonwealth, and ultimately consolidated the Capital Police Force into the State Police force. After that consolidation, he explains that the Legislature assigned the Rangers who worked at the State House to the Department of Conservation and Recreation. Rather than lend support to his position, the legislative history that Mr. Hall lays out shows that the Legislature knew how to include Rangers in Group 4 as it had done with the Capitol Police Force but chose not to do so.

Finally, Mr. Hall argues that his function is akin to that of other types of law enforcement agents who are part of Group 4. However, until the Legislature changes Chapter 32, the Division of Administrative Law Appeals must comply with the law as currently written as it is without

authority to unilaterally change the statutory requirements of the retirement law. *O'Malley v. Contributory Ret. App. Bd.*, 104 Mass. App. Ct. 778, 782 (2024). Mr. Hall's job title does not appear in the statute describing the member of Group 4 and he has failed to satisfy his burden of proving his entitlement to a retirement benefit.

Conclusion and Order

For the reasons set forth above, the decision of the SBR is hereby affirmed.

Dated: October 2, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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