

Commonwealth of Massachusetts  
Contributory Retirement Appeal Board

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**Darla Hartung,**

**Petitioner-Appellant**

**v.**

**Massachusetts Teachers' Retirement System,**

**Respondent-Appellee**

**CR-22-0194 and CR-22-0195**

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**DECISION**

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Petitioner/Appellant Darla Hartung (“Ms. Hartung”) appeals from the decision of an administrative magistrate of the Division of Administrative Law Appeals (“DALA”), which denied her requests to purchase creditable service. Ms. Hartung appealed to DALA from two decisions of the Respondent/Appellee Massachusetts Teachers’ Retirement System (“MTRS”). The first denied her request to purchase her prior vocational employment as creditable service pursuant to G.L. c. 32, § 4(1)(h)(½) and the second denied her request to purchase prior non-membership service from 1980 to 1984 pursuant to G.L. c. 32, § 3(5) because during that time she was employed by a non-profit organization, not a governmental entity.

The DALA magistrate decided the cases as submissions without a hearing pursuant to 801 CMR 1.01(10)(c).<sup>1</sup> By decision dated October 27, 2023, the DALA magistrate affirmed the MTRS decisions. Ms. Hartung filed a timely appeal to us. For the reasons that follow, we agree with the DALA magistrate that Ms. Hartung is ineligible to purchase either her prior vocational employment as creditable service, or to purchase her prior non-membership service during which

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<sup>1</sup> Although not formally consolidated, the DALA magistrate noted that the cases had “proceeded together” through DALA’s administrative process. DALA issued one decision that addressed both requests to purchase creditable service, although each was assigned a separate

docket number.

time she worked for Brockton Area Multi Services, Inc. (“BAMSI”). Consequently, we affirm the DALA decisions, adopting DALA’s findings of fact (with the exception of Finding of Fact #15), and adding the following comments. Because the service purchase applications arise under different statutory provisions, we will discuss each of them in turn.

**Docket No. CR-22-0194: The request to purchase prior vocational employment as creditable service pursuant to G.L. c. 32, c. 32, § 4(1)(h)(½)**

The DALA magistrate carefully outlined the relevant facts in this case. From 1996 to 2000, Ms. Hartung worked as an architect assistant at a private entity named Keyes Associates.<sup>2</sup> In 2001, Ms. Hartung began teaching architectural design and drafting at Taunton High School (“THS”).<sup>3</sup> At that time, she became an MTRS member.<sup>4</sup> In 2001, DESE granted her a provisional teaching license, not a vocational teaching license.<sup>5</sup> In 2011, the THS program in which Ms. Hartung taught was licensed as a vocational-technical program approved by the agency then known as the department of education<sup>6</sup> under G.L. chapter 74.<sup>7</sup> As a result of this programmatic change, although Ms. Hartung continued to teach drafting, she was then required to (and did) obtain a provisional vocational teaching license.<sup>8</sup> In 2022, Ms. Hartung applied to purchase her prior vocational work experience with Keyes Associates as creditable service for retirement purposes. The heart of the parties’ dispute in this case centers around the work experience upon which DESE relied to grant Ms. Hartung her vocational teaching license in 2011, because that determination is relevant to her eligibility to purchase creditable service under G.L. c. 32, § 4(1)(h)(½). Our analysis follows.

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<sup>2</sup> Finding of Fact #6.

<sup>3</sup> Finding of Fact #1; Petitioner’s Exhibit 2.

<sup>4</sup> *Id.*

<sup>5</sup> Finding of Fact #2; Petitioner’s Exhibit 3.

<sup>6</sup> At that time, the agency now known as the Department of Elementary and Secondary Education, or “DESE”, was known as the Department of Education. This decision will refer to it by its current name and abbreviation.

<sup>7</sup> The title of G.L. c. 74 is “Vocational Education.”

<sup>8</sup> Findings of Fact #3-5; Petitioner’s Exhibit 6.

To properly analyze this case, we must first review the applicable DESE regulations. DALA found (in Finding of Fact #15) that DESE regulations in effect in 2011 required an applicant for a vocational teaching license to have, *inter alia*, “Four years of recent full-time work experience, if the applicant is a graduate of an accredited collegiate program holding a Bachelor’s degree related to the occupational field to be taught; provided that two years of experience have occurred within three years preceding application.” DALA cited to “603 Code Mass. Regs. § 4.10(12)(c) (in effect in 2011).”

Our review of the DESE regulations in effect in 2011 has determined that DALA’s finding of fact as to which specific regulation applied was incorrect, so we decline to adopt that finding of fact.<sup>9</sup> However, as is further discussed below, when one reviews the applicable DESE regulations in light of the facts in the record, it is clear that DALA properly determined that DESE did not rely on Ms. Hartung’s employment service with Keyes Associates when granting her vocational teaching license in 2011. Consequently, G.L. c. 32 and the applicable MTRS regulations preclude her from purchasing that time as creditable service.

The DESE regulation in effect in 2011 that applied to the licensing of vocational educators was 603 CMR 4.07(2)(f)<sup>10</sup>. Specific to Ms. Hartung, 603 CMR 4.07(2)(b)(1)(c) stated that a drafting teacher was required to have at least an associate’s degree in order to qualify for licensure. *Id.* Further, 603 CMR 4.07(2)(f), titled “Employment Experience” states, “All vocational technical

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<sup>9</sup> The citation DALA used, 603 CMR 4.10, as in effect in 2011, discusses “Professional Standards” and has no subsection (12)(c). DALA’s finding of fact contains no citation to the record, so it is unclear how DALA concluded that the 2011 DESE regulations included the language stated in Finding of Fact #15. Petitioner’s Exhibit 6 as marked by DALA is page 19 of an unknown document that DALA describes in Finding of Fact #16 as “seemingly from DESE” which discusses “Preliminary Vocational Technical Teacher License” and includes some of the cited language contained in Finding of Fact #15 but not a regulatory citation. In any event, the document does not accurately reflect the entirety of the applicable DESE regulations in effect in 2011, so we do not rely on it.

<sup>10</sup> 603 CMR 4.07 is entitled, “Types of Vocational-Technical Teacher Licenses, Requirements for Licensure, and Licenses Issued.” Specifically, 603 CMR 4.07(2) outlines “Requirements for the Preliminary Vocational Technical Teacher License”- this license is required before one holds a “Professional Vocational Technical Teacher License”. *See* 603 CMR 4.07(3).

teacher license candidates must document recent employment experience directly related to the subject matter and skills they will teach. ‘Recent employment experience’ is defined as employment experience within seven years of the date of an application for a vocational technical teacher license.” *Id.* Under 603 CMR 4.07(2)(f)(2), “Candidates for a vocational technical teacher license for which an associate’s degree is required....must document a minimum of four years of recent, full-time employment experience.” A bachelor’s degree “may substitute for one of the four years of required employment experience.” *Id.* A master’s degree may also substitute for one year of the required four years of required employment experience. *Id.* Ms. Hartung had a bachelor’s degree in a related field and a hand-written note on Petitioner’s Exhibit 6 states that she also has a master’s degree.<sup>11</sup>

Therefore, notwithstanding the incorrect regulatory citation in Finding of Fact #15, DALA properly determined that under DESE’s applicable 2011 regulations, Ms. Hartung was required to have up to four years of related employment experience to obtain her vocational teaching license. However, in 2011, when Ms. Hartung applied for her vocational teaching license, DESE regulations also specifically defined “recent employment experience” as “employment experience within seven years of the date of an application for a vocational technical teacher license.” 603 CMR 4.07(2)(f). Under DESE’s then-applicable regulations, when evaluating Ms. Hartung’s eligibility for a vocational teaching license, DESE only could have considered her employment experience from 2004 forward, a period of time which does not include her work at Keyes Associates. The Petitioner/Appellant’s argument that DESE should have or did rely upon her work at Keyes Associates to grant her a vocational teaching license in 2011 is therefore without merit.

When one analyzes Ms. Hartung’s request under G.L. c. 32 and the applicable MTRS regulations, the result is the same. General Laws c. 32 permits otherwise-qualifying public employees to purchase creditable service to increase the amount of the retirement allowance for which they might become eligible.<sup>12</sup> Specifically, G.L. c. 32, § 4(1)(h)(½) permits an otherwise-

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<sup>11</sup> Finding of Fact #6; Petitioner’s Exhibit 1.

<sup>12</sup> When a member retires with a superannuation retirement allowance, the amount of that allowance is calculated according to a statutory formula that takes into account three factors: the

eligible member-in-service of a G.L. c. 32 retirement system who is a teacher to purchase up to three years of creditable service for prior work experience in the occupational field in which he or she later became a teacher. G.L. c. 32, § 4(1)(h)(½). However, the statute sets forth specific requirements for accomplishing such a service purchase. The statute provides, in pertinent part,

Any member in service<sup>13</sup> of the teachers' retirement system...who is or was employed as a teacher...in a vocational-technical school or in a public school's vocational-technical program approved by the department of education under chapter 74<sup>14</sup> may receive creditable service for any period or periods of prior work experience in the occupational field in which the member became a vocational-technical teacher and which was required as a condition of the member's employment and licensure under regulations of the department of education.

Following the enactment of G.L. c. 32, § 4(1)(h)(½), the MTRS enacted a regulation that pertains to this type of service purchase, 807 CMR 14.00, "Purchase of Creditable Service for Prior Vocational Work Experience." As is relevant here, 807 CMR 14.03 states that in evaluating this type of service purchase application, the MTRS

.... will rely on records of the Department of Elementary and Secondary Education in determining whether a member seeking to purchase creditable service as a licensed vocational-technical teacher has qualifying prior vocational service and if so, how much. The years to be purchased will be the period (up to three years) reflected in [DESE] records as the service qualifying the member for vocational certification, the most recent eligible years to be purchased first. Prior trade service that is not reflected in [DESE] records cannot be verified and cannot be purchased. 807 CMR 14.03.

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member's applicable average annual rate of regular compensation, the amount of creditable service that the member has accrued, and the member's applicable age factor at retirement. G.L. c. 32, § 5.

<sup>13</sup> Pursuant to G.L. c. 32, § 3(1)(a)(i), a "Member in Service" is defined as "[a]ny member who is regularly employed in the performance of [his] duties."

<sup>14</sup> Ms. Hartung would not have qualified to purchase this time as creditable service before 2011, because the THS vocational program in which she taught was not approved by DESE until then.

Here, Ms. Hartung seeks to purchase creditable service from 1996 to 2000<sup>15</sup> during which time she worked at Keyes Associates. To do that, she must demonstrate that this prior work experience “was required as a condition of [her] employment and licensure”. G.L. c. 32, § 4(1)(h)(½). In turn, the MTRS regulations require that the prior vocational employment that Ms. Hartung seeks to purchase must be “the service qualifying the member for vocational certification”, and that “prior trade service that is not reflected in [DESE] records cannot be verified and cannot be purchased.” For the reasons that follow, DALA properly determined that these statutory and regulatory provisions preclude Ms. Hartung from purchasing creditable service pursuant to G.L. 32, § 4(1)(h)(½).

DALA correctly determined that the MTRS regulations prohibit Ms. Hartung from purchasing her employment at Keyes Associates as creditable service. The applicable MTRS regulations require, in part, that the vocational experience that Ms. Hartung seeks to purchase must be “the service qualifying the member for vocational certification”. For the reasons discussed above, her Keyes Associates employment does not so qualify. Additionally, the MTRS regulations state that “prior trade service that is not reflected in [DESE] records cannot be verified and cannot be purchased.” Ms. Hartung acknowledged that she did not provide information related to Keyes and Associates to DESE in 2011.<sup>16</sup> As a result, that information necessarily was not “reflected in” DESE’s records and the MTRS could not verify it. Based on that, DALA properly determined that Ms. Hartung’s Keyes Associates employment was not eligible for purchase.

Another requirement of the MTRS regulations bars Ms. Hartung from purchasing her vocational experience with Keyes Associates. In relevant part, 807 CMR 14.03 also requires that “the most recent eligible years” of vocational experience are to be purchased first. As discussed above, for

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<sup>15</sup> Although on her application Ms. Hartung sought to purchase creditable service from 1996 to 2000, the parties do not dispute that the maximum amount of creditable service that can be purchased under G.L. c. 32, § 4(1)(h)(½) is three years. G.L. c. 32, § 4(1)(h)(½) (“[t]he creditable service allowable under this paragraph for any member shall not exceed 3 years.”)

<sup>16</sup> Respondent’s Exhibit 2 states, in pertinent part, “I worked at an architecture firm (Keyes Associates) and the reason I did not provide verification of those years to DESE is because it was not required at that time.”

Ms. Hartung, the “most recent eligible years” of vocational experience were those that immediately preceded her 2011 licensure. When this regulation is viewed in conjunction with the statutory provisions pertaining to membership service, DALA properly determined that Ms. Hartung was not eligible to purchase this time as creditable service. This is because she was already being credited with membership service in the years preceding 2011. General Laws c. 32, § 4(1)(a) provides that,

Any member in service shall...be credited with all service rendered... as an employee in any governmental unit *after becoming a member of the system pertaining thereto*; provided, that *in no event shall [she] be credited with more than one year of creditable service for all such membership service rendered during any one calendar year.*

(Emphases added.)

Ms. Hartung began to accrue membership service with MTRS in 2001 when she began teaching at THS. She was actively employed in the three years that preceded her 2011 licensure and receiving creditable service in that capacity as an MTRS member. General Laws c. 32, § 4(1)(a) precludes her from purchasing creditable service for those years, because she cannot be granted more than one year of creditable service for the years during which she was already accruing service as an MTRS member.<sup>17</sup>

For all of the foregoing reasons, we agree with the DALA magistrate that Ms. Hartung is not eligible to purchase her prior vocational employment with Keyes Associates from 1996 to 2000 as creditable service pursuant to G.L. c. 32, § 4(1)(h)(½).

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<sup>17</sup> The concept of creditable service is distinct from, and broader than, membership service. "Membership service" is defined as “service as an employee in any governmental unit rendered since becoming a member of any system pertaining to such governmental unit for which credit is allowable to such member under the provisions of sections one to twenty-eight inclusive.” G.L. c. 32, §1. “Creditable service” is defined as “all membership service, prior service and other service for which credit is allowable to any member under the provisions of sections one to twenty-eight inclusive.” *Id.*

**Docket No. CR-22-0195: The request to purchase prior employment at BAMSI as creditable service pursuant to G.L. c. 32, § 3(5)**

Ms. Hartung seeks to purchase other creditable service pursuant to G.L. c. 32, § 3(5). This service represents her employment at Brockton Area Multi-Services, Inc. (“BAMSI”) from December 1, 1980 to June 30, 1984.<sup>18</sup> General Laws c. 32, § 3(5) is entitled “Credit for Members for Intra–State Service in Governmental Units Where No System Existed.” As is relevant to Ms. Hartung, the statutory provision permits otherwise-qualifying individuals to purchase creditable service for certain prior employment in a governmental unit in which the applicant was previously employed. However, as a threshold matter, the applicant must have rendered that earlier service as an “employee” of that first governmental unit in order for that prior service to be eligible to be purchased. Specifically, G.L. c. 32, § 5 states that an individual may purchase creditable service under the following conditions:

*Any member of any system who had rendered service as an employee of any governmental unit other than that by which he is presently employed, for any previous period during which the first governmental unit had no contributory retirement system or during which he had inchoate rights to a non-contributory pension or in a position which was not subject to an existing retirement system, or which was specifically excluded therefrom but which would be covered under the law now in effect....may.... pay into the annuity savings fund of the system....an amount equal to that which would have been withheld as regular deductions from his regular compensation for such previous period, had such service been rendered in the governmental unit by which he is presently employed and in a position subject to the provisions of this chapter... In addition to the payment of such sum or instalments thereof, such member shall also pay into the annuity savings fund an amount of interest such that at the completion of such payments the value of his accumulated payments, together with buyback interest thereon....*

An “employee” as that term is defined, in relevant part, in G.L. c. 32, § 1, “shall mean any person “....whose regular compensation....is paid by any political subdivision of the commonwealth.... who is regularly employed in the service of any such political subdivision....”

A “political subdivision”, in turn, is defined in G.L. c. 32, § 1 as

the metropolitan district commission or any county, hospital district, city, town, district or housing authority, established under the provisions of section five of chapter one hundred and twenty-one B, the Massachusetts Turnpike Authority, the Massachusetts Parking Authority, the Old Colony Planning Council, the Massachusetts Bay Transportation

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<sup>18</sup> Respondent’s Exhibit 7.

Authority, the Massachusetts State College Building Authority, the University of Lowell Building Authority, the Massachusetts Housing Finance Agency, the Massachusetts Port Authority, the Greater Lawrence Sanitary District, the Blue Hills Regional Vocational School system, the Minuteman Regional Vocational Technical School District, or any other public unit in the commonwealth.

In this case, Ms. Hartung does not dispute that from 1980 to 1984, she was employed and paid by BAMSI, a private, non-profit corporation that is a human services provider.<sup>19</sup> According to Ms. Hartung, BAMSI funded a program to “support the function of a school program...for

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<sup>19</sup> Respondent’s Exhibit 8 is a letter from Ms. Hartung to the MTRS, stating, in pertinent part, “Attached is the information to prove my employment with Brockton Area Multi Service, Inc...BAMSI is a private, non-profit human services organization providing services to adults and children with developmental disabilities, mental illness, behavioral health, and public health needs.” Additionally, even in her brief to CRAB, Ms. Hartung states, “...at the time, she was paid through a grant received by BAMSI.” Petitioner’s Brief at page 16.

The Petitioner argues in part that the affidavits that were only marked for identification by the DALA magistrate should be considered as evidence of the circumstances of her employment and to support her claim that she was employed by a public entity. (Petitioner’s Brief at pages 10-16.) However, we find that DALA properly declined to consider them. As an initial matter, the information contained in the affidavits is partially duplicative of Ms. Hartung’s letter marked as Respondent’s Exhibit 8 and therefore can be excluded. Additionally, there is no evidence in the record that the Petitioner objected to having the matter proceed as a Submission Without a Hearing pursuant to 801 CMR 1.01(10)(c) either when DALA issued its first scheduling order or when its assigned magistrate issued a second one. She chose not to call Mr. Reilly as a witness at an evidentiary hearing, where he would have been subject to cross-examination. The burden of proof is on Ms. Hartung as the appealing party, to prove her entitlement to the benefit that she seeks. *Blanchette v. Contributory Retirement Appeal Board*, 20 Mass. App. Ct. 479, 483 (1985). Proceeding on written submissions does not alter the evidentiary burden that the Petitioner bears. 801 CMR 1.01(10)(c) (“Submission of a case without a hearing does not relieve the Parties from the necessity of proving the facts supporting their allegations or defenses on which a Party has the burden of proof.”); *See also Melanson v. State Board of Retirement*, CR-15-163 (Division of Administrative Law Appeals July 8, 2016) (Petitioner whose case proceeded as a written submission failed to prove his case when, *inter alia*, he did not call four affiants as witnesses.) The Petitioner was entitled to choose how she presented her case to DALA, but DALA was free to give the evidence she submitted what weight it saw fit. 801 CMR 1.01(10)(d) (duties of Presiding Officer include “making all decisions on the admission or exclusion of evidence”); *Carleton v. State Board of Retirement*, CR-13-478 (Division of Administrative Law Appeals, January 26, 2018) (magistrate declines to give weight to affidavit when there was no opportunity to examine the affiant as witness). Her claim that DALA’s failure to consider the affidavits she submitted establishes that the DALA case was erroneously decided is without merit.

residents of Paul A. Dever State School” in which she worked.<sup>20</sup> Prior cases establish that BAMSI is a private vendor providing services to the Commonwealth, not a political subdivision thereof. *Deguire v. State Board of Retirement*, CR-92-316 (Division of Administrative Law Appeals, October 15, 1992), which is a point that Ms. Hartung does not dispute.

Ms. Hartung argues here (as she did at DALA) instead that while employed by BAMSI, she functioned as a Commonwealth employee, not an independent contractor. Therefore, she argues that the statutory requirement that to be considered an “employee” for purposes of G.L. c. 32, one must be paid by a political subdivision of the Commonwealth should be disregarded. Specifically, she argues, “Neither *Crowley* nor *Callahan*<sup>21</sup> suggested that to attain employee status one must be paid by a political subdivision.” Her argument is without merit, as DALA properly determined.

As an initial matter, G.L. c. 32, §1 itself, by its plain language, defines an “employee” as one “...whose regular compensation...is paid by any political subdivision of the commonwealth.” Where the language of a statute is clear, we need not look beyond that to properly interpret it. *State Board of Retirement v. Boston Retirement Board*, 391 Mass. 92, 94 (1984) (“a principal rule of statutory interpretation that we need not look beyond the words of the statute where the language is plain and unambiguous.”) As such, DALA properly found that in order to be considered an “employee” for purposes of G.L. c. 32, Ms. Hartung would have to demonstrate, *inter alia*, that she was paid by a political subdivision of the Commonwealth, and that she failed to do so. To interpret the definition of “employee” as the Petitioner urges would require CRAB to determine that the phrase “whose regular compensation...is paid by any political subdivision of the commonwealth” within G.L. c. 32, § 1 is surplusage, which is a result to be avoided. *Miguel-Rollo v. Contributory Retirement Appeal Board*, 81 Mass. App. Ct. 317, 322 (2012) (“We cannot read statutory language to be meaningless or superfluous, particularly where the phrase in question has a clear meaning within the statute's context.”) As such, we find the Petitioner’s

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<sup>20</sup> *Id.*

<sup>21</sup> These cases will be discussed in further detail below.

argument that she was not required to prove that during the time that she seeks to purchase as creditable service she was paid by a political subdivision of the Commonwealth to be unavailing.

Moreover, DALA properly analyzed this case and rejected the Petitioner's argument that the source of the funds used to pay her was not dispositive of her status as an employee. In support of this (ultimately unsuccessful) argument, the Petitioner primarily relied on two cases.<sup>22</sup> The first is *Crowley v. Contributory Retirement Appeal Board*, 73 Mass. App. Ct. 1103 (2008) (unpublished decision). The plaintiff in *Crowley* was working for the city of Boston as an attorney and she sought to purchase prior non-membership employment service as creditable service pursuant to G.L. c. 32, § 3(5). During the time that she sought to purchase, she submitted invoices for her services to the city directly and was paid out of city funds. As DALA correctly stated, "though it was not clear which entity was the source of the member's payments, the two entities in dispute- the city of Boston and the trust department of the city-were both political subdivisions."<sup>23</sup>

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<sup>22</sup> The Petitioner's reliance on *Sullivan v. State Board of Retirement*, CR-19-0100 (Division of Administrative Law Appeals September 15, 2023) is misplaced, as the Petitioner in *Sullivan* sought to purchase contract service as creditable service under G.L. c. 32, § 4(1)(s). That statutory provision extends the opportunity to purchase contract service as creditable service only to members of the Massachusetts State Employees' Retirement System. *State Board of Retirement v. Contributory Retirement Appeal Board*, 77 Mass. App. Ct. 452, 454 (2010). Ms. Hartung is an MTRS member and therefore G.L. c. 32, § 4(1)(s) does not apply.

Similarly, the cited case of *Leonard v. Salem Retirement Board*, CR-87-1201 (Division of Administrative Law Appeals February 17, 1989) discusses the date on which a member was entitled to membership in a public employees' retirement system and the corresponding contribution rate that applied to the deductions taken from her regular compensation, and has no relevance to this case.

Finally, *Palladino v. Boston Retirement Board*, CR-01-296 (Division of Administrative Law Appeals February 7, 2002) discusses whether an individual who worked in a federally funded CETA position providing services to the City of Boston was entitled to purchase creditable service, and the facts and circumstances of Ms. Hartung's case are not analogous.

<sup>23</sup> DALA decision at \*8.

The second case on which the Petitioner primarily relies is *Callahan v. Revere Retirement Board*, CR-12-253 (Division of Administrative Law Appeals August 25, 2017). In this case, an employee of the Revere Police Department was permitted to purchase prior non-membership service pursuant to G.L. c. 32, § 4(2)(c). During the time that she sought to purchase, Ms. Callahan worked as a grant administrator at the Revere Police Department. She submitted invoices for the hours she worked and was paid from grant funds provided to the city of Revere. DALA determined that, during the period of time in question, Ms. Callahan was an “employee because she was regularly employed in the service of the City of Revere, she was paid regular compensation for her services by the City, *which is a political subdivision of the Commonwealth* and her work was controlled by the Revere Police Department.”<sup>24</sup>

As noted by DALA, *Crowley* and *Callahan* are distinguishable from the instant case because there was no dispute in those cases that the funds used to pay both Ms. Crowley and Ms. Callahan were paid by a political subdivision of the Commonwealth that therefore each of them satisfied that definition of “employee” in G.L. c. 32, § 1. The funds were also paid directly to each of them. In Ms. Hartung’s case, by contrast, there is no dispute that she was employed and paid by BAMSII, a private, non-profit organization that is a vendor<sup>25</sup> and is not a political subdivision of the Commonwealth. DALA properly determined that Ms. Hartung’s reliance on *Crowley* and *Callahan* is misplaced.

For all of the foregoing reasons, we affirm the DALA decisions to deny Ms. Hartung’s requests to purchase creditable service for retirement purposes pursuant to G.L. c. 32, § 4(1)(h)(½) and G.L. c. 32, § 3(5).

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<sup>24</sup> *Callahan, supra* at \*6.

<sup>25</sup> *Deguire, supra*.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD,

*Melinda E. Troy*

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Date: February 18, 2026