

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Elizabeth Hilton,
Petitioner,

Docket No.: CR-25-0512

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Elizabeth Hilton appeals from a decision of the Massachusetts Teachers' Retirement System denying her application to purchase credit for a period of pre-membership work. A prior order instructed Ms. Hilton to show cause why the appeal should not be dismissed for lack of jurisdiction. She has filed a timely responsive submission.

Appeals from the decisions of the retirement boards must be filed "within fifteen days." G.L. c. 32, § 16(4). Ms. Hilton acknowledges that she filed her appeal after the deadline. She explains that a death in her family during the appeal period required her attention and imposed important responsibilities on her. It is easy to see that these circumstances made compliance with the deadline difficult for Ms. Hilton. It is easy to sympathize with her predicament.

But statutory deadlines to file appeals, including the deadline prescribed by G.L. c. 32, § 16(4), are "jurisdictional." *See Oxford v. Lawrence Ret. Bd.*, No. CR-18-5, 2023 WL 11806166 (Contributory Ret. App. Bd. May 17, 2023). A jurisdictional deadline is one that the tribunal has no latitude to extend, because when the deadline is not met, the tribunal has no authority to act at all. The Appeals Court, summarizing a string of precedents, said: "[W]here . . . a party does not comply with a statutory deadline for filing a notice of appeal, the reviewing [tribunal]

has no subject matter jurisdiction over the case, and thus no authority to enlarge the appeal period.” *Commonwealth v. Claudio*, 96 Mass. App. Ct. 787, 792 (2020). Consistent with that rule, the Contributory Retirement Appeal Board has dismissed appeals when § 16(4) deadlines were missed because of illnesses in the petitioner’s family, *Taylor v. State Bd. of Ret.*, No. CR-09-45, 2012 WL 13406352 (Contributory Ret. App. Bd. Nov. 16, 2012), or an illness of the petitioner’s attorney, *DiBaro v. State Bd. of Ret.*, No. CR-23-279, 2024 WL 5112214 (Contributory Ret. App. Bd. Oct. 30, 2024).

Because this tribunal lacks jurisdiction to adjudicate this appeal, it is hereby ORDERED that the appeal is DISMISSED.

Dated: October 3, 2025

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
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