

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Edmond James,**  
Petitioner,

Docket No.: LB-25-0562

v.

**Office of the Attorney General, Fair Labor  
Division,**  
Respondent.

**ORDER OF DISMISSAL**

This is an appeal from a civil citation issued by respondent the Office of the Attorney General, Fair Labor Division (division) to petitioner Edmond James. The citation alleges that Mr. James violated G.L. c. 149, § 148, by failing to pay his employees certain wages owing to them. The division has filed a motion for summary decision, supported by an investigator’s affidavit and several exhibits. See 801 C.M.R. § 1.01(7)(h). Mr. James has filed no opposition papers or other response.

In substance, the motion seeks dismissal of the appeal based on lack of jurisdiction. Under the governing statute, an employer may challenge a citation “by filing a notice of appeal . . . within ten days of . . . receipt of the citation.” G.L. c. 149, § 27C. The notice must be filed in two locations: “with the attorney general and the division of administrative law appeals.” *Id.* The weight of authority holds that these requirements are all jurisdictional: that is, DALA has no authority to take any action—including the action of extending a filing deadline—unless the notice of appeal was timely filed both with DALA and with the division. See *Idea Painting, Inc. v. Attorney Gen.*, No. 2384CV02952, 2024 WL 4217947, at \*5 (Suffolk Super. Sept. 3, 2024).

With the record viewed in the light most favorable to Mr. James, the following facts are beyond genuine dispute. *See Cepeda v. Kass*, 62 Mass. App. Ct. 732, 738 (2004). An earlier appeal involving Mr. James is currently before the Superior Court. On September 22, 2025, the division issued the new citation at issue here. The division mailed the new citation to Mr. James at his home address. On September 29, 2025, Mr. James mailed the division certain documents relating to the Superior Court case. The division received no communication from Mr. James about the new citation until October 21, 2025.

A document qualifies as an adequate notice of appeal if it gives “fair notice of the identities of the parties pursuing the appeal and the decision(s) being appealed from.” *Garcia v. Attorney Gen.*, No. LB-22-271, 2022 WL 17401661, at \*1 (Div. Admin. Law App. Nov. 7, 2022). *See Imprimis Inv’rs, LLC v. KPMG Peat Marwick LLP*, 69 Mass. App. Ct. 218, 220 (2007); *Palriwala v. Palriwala Corp.*, 64 Mass. App. Ct. 663, 667-68 (2005); *Shehan v. Schlegel*, 86 Mass. App. Ct. 1118 (2014) (unpublished memorandum opinion). Even under this forgiving test, Mr. James filed no proper notice of appeal with the division during his ten-day statutory appeal period. The only papers that he sent the division during that period related to a separate dispute. Those papers consequently failed to provide fair notice of “the decision being appealed from.”<sup>1</sup>

The upshot of the foregoing analysis is that this appeal was not timely filed. It is therefore beyond DALA’s authority to entertain the appeal or to take any action other than entering an order of dismissal. *See Phone Recovery Servs., LLC v. Verizon of New England, Inc.*,

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<sup>1</sup> The division does not challenge the adequacy of the notice of appeal that Mr. James filed with DALA. The case file discloses that Mr. James did not identify “the decision being appealed from” in that notice either.

480 Mass. 224, 230 (2018). Accordingly, it is hereby ORDERED that the division's motion is ALLOWED and that this appeal is DISMISSED.

Dated: January 28, 2026

/s/ Yakov Malkiel  
Yakov Malkiel  
Administrative Magistrate  
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