

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Robert Johnston,
Petitioner,

Docket No.: CR-25-0370

Dated: March 27, 2026

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision of respondent the State Board of Retirement (board) declining to assign petitioner Robert Johnston to group 4 under G.L. c. 32, § 3(2)(g). A prehearing order required Mr. Johnston to file a memorandum and exhibits in support of his position. When Mr. Johnston did not comply, another order required him to show cause why the appeal should not be dismissed for failure to prosecute. See 801 C.M.R. § 1.01(7)(g)(2). The order included the warning: “If you do not provide a valid explanation, your appeal will be dismissed.” Mr. Johnston’s deadline has expired without him filing anything further. It is therefore ORDERED that this appeal is DISMISSED.¹

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals

¹ Several appeals presenting claims analogous to Mr. Johnston’s have been consolidated under the lead docket *Curley v. State Board of Retirement*, No. CR-24-0724. In a recent conference in that matter, the board’s counsel represented that Mr. Johnston has already reached his maximum “age factor” under G.L. c. 32, § 5(2)(a), such that success in the current appeal would produce no practical consequences for him. See *Amaral v. State Bd. of Ret.*, No. CR-25-36 (Div. Admin. Law App. Sept. 19, 2025).