

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

William Keefe,
Petitioner,

No. CR-17-893

Dated: February 28, 2025

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision of the State Board of Retirement (board) declining to classify petitioner William Keefe in group 2 under G.L. c. 32, § 3(2)(g). An evidentiary hearing was scheduled to take place on January 30, 2025. Neither Mr. Keefe nor his attorney of record appeared.

Later that day, I issued an order instructing Mr. Keefe to show cause why his appeal should not be dismissed. The order revolved in part around Mr. Keefe's failure to appear for the hearing. It also addressed the sufficiency of Mr. Keefe's pleadings, in which he seeks classification in group 2 under G.L. c. 32, § 3(2)(g), but does not identify any portion of that statute that covers his particular job duties or job title. *See generally Rebell v. Contributory Ret. Appeal Bd.*, 30 Mass. App. Ct. 1108 (1991) (unpublished memorandum opinion); *Saffie v. State Bd. of Ret.*, No. CR-21-20, 2023 WL 4548408, at *3 (Div. Admin. Law App. July 7, 2023). At my direction, and in light of question marks about whether the attorney appointed by Mr. Keefe continues to represent him, the board relayed a copy of the order to show cause to Mr. Keefe himself. *See* Mass. R. Prof. C. 4.2 & cmts. 6, 8.

The order to show cause required Mr. Keefe to respond within 21 days. That deadline has expired. Mr. Keefe has filed no response. Dismissal is therefore warranted based on both

failure to prosecute and failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(2), (3).

Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate