

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Robert Knittle,
Petitioner,

Docket No.: CR-24-0711

v.

Massachusetts Teachers' Retirement System,
Respondent.

Appearances:

For Petitioner: Robert Knittle, pro se
For Respondent: Salvatore Coco, Esq.

Administrative Magistrate:

Eric Tennen

ORDER GRANTING MOTION FOR SUMMARY DECISION

The Petitioner, Robert Knittle, appeals a decision by the Massachusetts Teachers' Retirement System (MTRS) reducing his average salary calculation under the anti-spiking provision. The Division of Administrative Law Appeals (DALA) initially requested MTRS to file the documents upon which it based its decision and then allowed Mr. Knittle to respond. A different magistrate then suggested the matter could be decided on the papers. However, once assigned to me, that was not so clear, so I held a status conference to determine whether there were any facts in dispute. I focused on two issues that had been raised in the pleadings: 1) whether the appeal was timely; and 2) whether Mr. Knittle's salary increase was the result of a systemic wage increase. I gave Mr. Knittle another opportunity to submit more documents and pleadings addressing those issues, which he did. In response, MTRS filed a motion for summary decision based on the timing of Mr. Knittle's appeal. I then gave Mr. Knittle a chance to respond to

MTRS's motion, which he also did. At this point, there is no genuine issue of fact as to whether Mr. Knittle's appeal was timely and thus the motion is ripe for decision.

The following facts are not in dispute. Mr. Knittle was a long-time educator who retired in October 2024. After MTRS reviewed his retirement application, it determined his average salary calculation triggered the anti-spiking provision. Thus, on November 19, 2024, it issued Mr. Knittle a letter explaining that it was adjusting (lowering) the calculation of his regular compensation. Mr. Knittle filed an appeal with DALA, on-line, on December 12, 2024. In the narrative, he wrote that he received MTRS's letter on November 28, 2024. He also submitted a letter, dated December 12, 2024, in which he said he received MTRS's letter on November 29, 2024.

On April 22, 2025, MTRS filed a responsive pleading to DALA's order that it submit the documents it relied on in its decision. It raised the possibility that Mr. Knittle's appeal was untimely. It explained that it sent Mr. Knittle the calculation adjustment in a letter on November 19, 2024, but the appeal was not filed for another 23 days. I then directed Mr. Knittle to submit further information about the timing of his appeal. He responded with a letter on March 6, 2026. In that letter, he said that the first communication he received from MTRS was on November 15, 2024, stating that his estimated retirement benefits would be mailed on November 19, 2024. He then chronicled the different communications he had with MTRS. He concluded that his appeal should be timely "based on the documented date of receipt then (November 22)."¹

¹ It appears Mr. Knittle believed he had 15 *business* days to respond based, possibly, on the basis of one of his conversations with a representative from MTRS.

After MTRS filed its motion for summary decision, Mr. Knittle responded with another letter. He again confirmed he first received MTRS's appeal letter on November 22, 2024. He then says he e-mailed MTRS that same day. When he did not get a response, he followed up by e-mail and phone several times over the next week or so. The person he was trying to reach was out of the office and he finally spoke with her on December 10.

DISCUSSION

Summary decision may be granted when "there is no genuine issue of fact relating to all or part of a claim." 801 Code Mass. Regs. § 1.01(7)(h). "In such a circumstance, a hearing serves no useful purpose." *Jordan v. State Bd. of Ret.*, CR-21-0201, 2022 WL 16921458 (Div. Admin. L. App., Feb. 18, 2022). This is such a case.

G.L. c. 32 § 16(4) gives aggrieved parties 15 calendar days from receipt of a retirement board's decision to file their appeal. Even assuming it took three days for Mr. Knittle to receive MTRS's letter, 801 Code of Mass. Regs. § 1.01(4)(c), Mr. Knittle should have received the letter by November 22, 2024; and, indeed, Mr. Knittle ultimately explained that is when he received the letter. I initially thought Mr. Knittle may have received this letter later than that based on some of his preliminary filings, but his subsequent submissions confirmed he received the letter on the 22nd. With that, Mr. Knittle was required to file his appeal by December 9, 2024.² But, as noted, he did not file his appeal until December 12, 2024.

The time limits set out in Chapter 32 for such appeals are jurisdictional. *Lambert v. MTRS*, CR-09-0074, 2012 WL 13406355 (Contributory Ret. App. Bd., Feb. 17, 2012). Thus, if an

² 15 days from November 22, 2024 would have been December 7, 2024, which was a Saturday. The Petitioner would have had to file his appeal by the next business day, Monday December 9, 2024. 801 Code of Mass. Regs. § 1.01 (4)(d).

appeal to DALA is filed more than 15 days after receipt of the retirement board's decision, it must be dismissed for lack of subject-matter jurisdiction. *Id.*

The Petitioner argues this is not fair because he had a hard time reaching someone from MTRS; he also suggests someone from MTRS may have given him wrong information about when his appeal was due.³ That may be true, but DALA does not have the "authority to grant any equitable relief that is contrary to the clear wording of a statute." *Dunse v. MTRS*, CR-14-0285 (Div. Admin. Law App., Dec. 4, 2015); *Drake v. MTRS*, CR-23-0119, 2024 WL 4010774 (Div. Admin. Law App., July 5, 2024).

CONCLUSION AND ORDER

MTRS's motion for summary decision is *granted* and its decision is *affirmed*.⁴

SO, ORDERED.
DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: May 1, 2026

Eric Tennen

Eric Tennen
Administrative Magistrate

³ Though not entirely clear, it seems Mr. Knittle did not speak to someone from MTRS until December 10, 2025, which is one day after his appeal was due. Thus, even if they incorrectly told him he had 15 business days to appeal, by the time they told him that, his appeal was already late.

⁴ MTRS does not concede its calculations were mistaken. I take no position on that issue given the incomplete record in this case and the lack of jurisdiction.