

COMMONWEALTH OF MASSACHUSETTS  
Division of Administrative Law Appeals

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DARELL KRETCHMAR  
*Petitioner*

Docket No. CR-21-0419

v.

Date: March 24, 2023

HAMPSHIRE COUNTY  
RETIREMENT BOARD  
*Respondent*

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**Appearance for Petitioner:**

Darell Kretchmar, *pro se*  
Hatfield, MA 01038

**Appearance for Respondent:**

James Quirk, Esq.  
Yarmouthport, MA 02675

**Administrative Magistrate:**

Eric Tennen

**SUMMARY OF DECISION**

The Petitioner is eligible to purchase veteran's creditable service pursuant to G.L. c. 32, § 4(1)(h). The law allows a veteran to purchase this service, at the latest, if they apply for it within 180 days of being notified by the Board, *after becoming vested in the retirement system*. For the reasons stated in *Gouck v. State Bd. of Ret.*, the Board's notice sent prior to the Petitioner vesting in the retirement system did not trigger the 180-day deadline.

**DECISION**

Pursuant to G.L. c. 32, § 16(4), the Petitioner, Darell Kretchmar, timely appealed an October 13, 2021 decision of the Respondent, the Hampshire County Retirement Board (Board), denying his request to purchase veteran's creditable service pursuant to G.L. c. 32, § 4(1)(h). DALA issued a scheduling order indicating that the matter could be decided without a hearing

and instructing the parties to file memoranda and evidence in support of their positions. The Petitioner did not file any response. The Board filed a memorandum of law on September 29, 2022 with seven exhibits, after which the record was closed. I enter all the exhibits into evidence.

**FINDINGS OF FACT**

Based on the exhibits, I find the following facts:

1. The Petitioner is a veteran who served in the military. (Exhibit 5.)
2. He began working as a patrolman for the town of South Hadley in December 2020. (Exhibit 1.)
3. Around that same time, he became a member of its retirement system. (Exhibit 1.)
4. A few months after he enrolled, on January 15, 2021 the Board sent the Petitioner a letter advising him about his right to purchase his prior military service. (Exhibit 2.)
5. He received the letter on or around January 29, 2021. (Exhibit 3.)
6. The letter indicated he had 180 days in which to purchase this service. (Exhibit 2.)
7. The Petitioner submitted an application to purchase this service on September 20, 2021. (Exhibit 5.)
8. In a letter dated October 13, 2021, the Board denied the Petitioner’s application, stating that he did not apply within the 180-day filing requirement. (Exhibit 6.)
9. The Petitioner filed a timely appeal on October 30, 2021. (Exhibit 4.)

**CONCLUSION AND ORDER**

A 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 (DALA Feb. 18, 2022). This is such a case.

For the reasons stated in, *Gouck v. State Bd. of Ret.*, CR-19-0311, 2023 WL 2455521, (Mar. 3, 2023), the Board's 2021 letter did not trigger the 180-day deadline, and the Petitioner still retains the option to purchase his prior service at a later date.

Accordingly, the Board's decision is **reversed**.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

*Eric Tennen*

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Eric Tennen  
Administrative Magistrate