

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

James Krull,
Petitioner,

Docket No.: CR-25-0635

v.

Dated: May 8, 2026

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: James Krull (pro se)

For Respondent: Jacqueline Sullivan, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

A public employee appointed beneficiaries under G.L. c. 32, § 11(2)(c), using a form prescribed by the respondent board. She never used additional prescribed forms to change her appointments. The appointments therefore remained binding on the board when the employee passed away.

DECISION

The late Maria Krull was a member of the retirement system administered by the State Board of Retirement (board). Petitioner James Krull (James) is Ms. Krull's son. He appeals from the board's decision to distribute a refund of Ms. Krull's retirement contributions in accordance with the paperwork appearing in the board's records. The appeal was submitted on the papers without objection. 801 C.M.R. § 1.01(10)(c). I admit into evidence exhibits marked 1-5 in the case file.¹

¹ Exhibits 1-3 were marked by the board. Exhibit 4 (a trust agreement) and exhibit 5 (a will) were attached to the notice of appeal.

Findings of Fact

The following facts are drawn from the exhibits and from uncontroverted portions of the briefs.

1. Ms. Krull was a longtime public employee. She became a member of the retirement system administered by the board approximately in 1990. (Briefs.)
2. In a September 2001 letter, Ms. Krull informed the board that she wished to “update [her] beneficiary information”; she proceeded to list the names and addresses of her two children, James and his sister. In October 2001, Ms. Krull signed a preprinted form titled “beneficiary blank,” in which she formally appointed the two children as her beneficiaries, with shares of 50% each. The form stated that it would apply to any refunds of retirement contributions either before or after Ms. Krull’s retirement. (Exhibits 2, 3.)
3. Ms. Krull retired in 2020, apparently selecting option (b) under G.L. c. 32, § 12. (Briefs.)
4. In 2021, Ms. Krull made a will, leaving her estate to James. She also established a trust, with James named as the trustee and beneficiary. The trust agreement stated in part:

[Ms. Krull] hereby transfers and conveys to the Trustee certain property, for which the Trustee has given receipt. The Trustee shall hold said property and any additional property subsequently transferred and delivered or made payable to him (. . . including the proceeds of any insurance policies or any employee benefit plan) . . . in trust.

The trust agreement and will appointed James’s sister to replace him as devisee, trustee, and beneficiary only if he died before Ms. Krull. (Exhibits 4-5.)
5. In 2025, Ms. Krull passed away. In September of that year, the board issued a decision letter to James, stating that it would refund Ms. Krull’s outstanding retirement

contributions to the beneficiaries named in her October 2001 beneficiary blank. James timely commenced this appeal. (Exhibit 3.)

Analysis

Public employees make regular contributions to the public retirement systems. In return, the retirement law entitles them to alternative packages of retirement benefits described as options (a), (b), and (c). Under option (b), if the employee dies before her benefits have exhausted her career-long contributions, the retirement system must refund the balance to the employee's chosen beneficiaries. G.L. c. 32, § 12(2)(b).

The option (b) statute states that the refund must be made "in accordance with the provisions of [G.L. c. 32, § 11(2)]." In turn, § 11(2) provides that beneficiaries may be appointed by "written notice on a prescribed form filed with the board." Binding case law has read the "prescribed form" language as imposing a strict, nonnegotiable requirement. Specifically, in *Moore v. Boston Retirement Board*, a domestic relations order (DRO) stated that the member-employee "hereby designates" his ex-wife as his beneficiary under § 11(2). The Contributory Retirement Appeal Board wrote:

[T]he . . . DRO cannot be considered . . . a "prescribed form." . . . [T]he DRO was a court order The requirement that beneficiaries . . . be made on prescribed forms is important for the sound administration of a retirement system, which cannot be placed in the position of examining competing orders and documents in various forms, each purporting to be the definitive expression of the member's intent.

No. CR-12-73, 2016 WL 11956841, at *4 (Contributory Ret. App. Bd. Sept. 30, 2016), *aff'd*, No. 1784CV00244 (Super. Ct. Dec. 13, 2017).

There is no daylight between *Moore* and the current case. Whatever Ms. Krull may have intended to achieve through her 2021 trust agreement and will, she did not then file a new

“prescribed form” with the board. The form she filed in 2001 therefore continued to control.

No “equitable” considerations are capable of changing the result. *See Bristol Cty. Ret. Bd. v.*

Contributory Ret. Appeal Bd., 65 Mass. App. Ct. 443, 446, 450-51 (2006); *O’Malley v.*

Contributory Ret. Appeal Bd., 104 Mass. App. Ct. 778, 782 (2024).

Conclusion and Order

In view of the foregoing, the board’s decision is AFFIRMED.²

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals

² James’s motion to impound Ms. Krull’s trust agreement and will does not identify the sensitive information reportedly contained in them and does not say whether the documents are independently obtainable at the Probate and Family Court. The motion is therefore denied. The board’s motion to file a second brief is allowed and the brief is deemed filed. James’s second and third briefs are also deemed to have been filed with leave.