

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
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Paul Landolphi

Docket No. CR-24-0597

Petitioner

v.

State Board of Retirement

Date: July 25, 2025

Respondent

CONDITIONAL DISMISSAL

Paul Landolphi appealed from the State Board of Retirement's application of the anti-spiking provision at M.G.L. c. 32, § 5(2)(f) to the calculation of his retirement benefit. In February 2025, the Public Employee Retirement Administration Commission approved the State Board's decision to grant Mr. Landolphi a termination retirement benefit under M.G.L. c. 32, § 10(2). According to Board counsel, the anti-spiking provision does not apply to the calculation of a termination allowance.

Because the termination allowance now granted Mr. Landolphi has not been reduced by application of the anti-spiking provision to the calculation of his retirement benefit, the anti-spiking dispute is now moot. I am therefore conditionally dismissing Mr. Landolphi's appeal. See 801 CMR 1.01(7)(g)3. The dismissal will become final by August 22, 2025, unless by that date Mr. Landolphi files a request to keep the appeal

open and states what issues remain to be resolved. If Mr. Landolphi agrees with the dismissal, he need take no action.

DIVISION OF ADMINISTRATIVE LAW APPEALS

James P. Rooney

James P. Rooney

First Administrative Magistrate

Order sent to: Paul Landolphi

Brendan McGough, Esq.