

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

Middlesex, ss.

Linda Logan,
Petitioner,

Docket No.: CR-25-0012

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner Linda Logan appeals from a decision of the Respondent State Board of Retirement (Board) denying her application for accidental disability retirement. The Board discussed several reasons for denying Ms. Logan's application in its quite thorough decision. As the Board recognized, Ms. Logan cannot as a matter of law establish that she suffered a personal injury or a hazard undergone while she was working.

Ms. Logan worked as a nurse at the Brockton Multi-Service Center in the Psych Crisis Unit. Her last day of work was September 4, 2013, when she went out on medical leave. She retired for superannuation on November 16, 2013.

Accidental disability retirement is granted to a retirement system member in service who is unable to perform her essential job duties, when such inability is likely to remain permanent until retirement age, and when the disability is by reason of an injury or series of injuries or of a hazard undergone as a result of, and while in the performance of, her job duties. G.L. c. 32, § 7(1). An applicant must demonstrate either that a disability "stemmed from a single work-related event or series of events" or, "if the disability was the product of gradual deterioration, that the employment [had] exposed [the employee] to an identifiable condition . . . that is not common or necessary to all or a great many occupations." *Blanchette v. Contributory Ret. App. Bd.*, 20

Mass. App. Ct. 479, 485 (1985) (internal citations and quotations omitted).

Ms. Logan filed her application for accidental disability retirement on September 23, 2021. According to Ms. Logan's application, she alleges a personal injury on September 4, 2013, but does not explain what happened that day. She has not produced a written notice of injury to the Board, as required under G.L. c. 32, § 7(1). None of the exceptions from filing a notice of injury set out in c. 32, § 7(3)(a) and (b) apply to Ms. Logan. Specifically, worker's compensation lump sum settlement payments, such as the payment Ms. Logan received, do not permit a member to avoid or extend the two-year deadline. *Colletti v. State Bd. of Ret.*, No. CR-10-306 (Contributory Ret. App. Bd. Jul. 3, 2014.) Accordingly, Ms. Logan may only rely on an injury or a hazard undergone that occurred within two years of the date she filed her application, that is, events occurring between September 23, 2019 and September 23, 2021. *Clifford v. State Bd. of Ret.*, No. CR-16-187 (Div. Admin. Law App. Oct. 20, 2017). Ms. Logan was no longer working by that point. She cannot, therefore, establish she incurred a disabling injury or gradual deterioration as a result of, and while in the performance of, her job duties. *Duquet v. Malden Ret. Bd.*, No. CR-18-0297 at 9-10 (Div. Admin. Law App. Aug. 28, 2020); *Simpreux v. Cambridge Ret. Bd.*, No. CR-14-770, (Div. Admin. Law App. Mar. 25, 2016). On this basis alone, as a matter of law, Ms. Logan's claim must fail. The Board correctly determined that the application should be denied without convening a medical panel. 840 Code of Mass. Reg. §10.09(2).

For the above reasons, Ms. Logan fails to state a claim upon which relief can be granted.

Her appeal is dismissed.

Dated: September 5, 2025

Bonney Cashin

Bonney Cashin

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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