

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

April Lynch,
Petitioner,

Docket No.: CR-25-0449

Dated: August 28, 2026

v.

State Board of Retirement,
Respondent.

ORDER GRANTING SUMMARY DECISION

This is petitioner April Lynch's appeal from a decision of the State Board of Retirement (board) denying a portion of Lynch's application to purchase retirement credit for premembership service. The board has filed a motion for summary decision, which Lynch has opposed. *See* 801 C.M.R. § 1.01(7)(h).

The essential facts are not in dispute. Lynch is a professor at Bristol Community College (college). From the fall of 2002 until the fall of 2007, Lynch taught at least one course every semester. In the spring of 2008, she was scheduled to teach a course, but it was canceled at the eleventh hour. From the fall of 2008 to the spring of 2013, Lynch again taught every semester.

In the fall of 2013, Lynch became a full-time employee of the college and a member of the state employees' retirement system. Eleven years later, in 2024, she applied to purchase retirement credit for her part-time work during 2002-2013. The board allowed the application only with respect to the period beginning in the fall of 2008, explaining that Lynch's canceled class in the spring of 2008 left a gap of 253 days between her last paid day in the fall of 2007 and her first paid day in the fall of 2008. Lynch does not dispute the board's arithmetic.

The governing statute is G.L. c. 32, § 4(1)(s), which applies specifically to members of the state employees' retirement system. Subject to conditions not pertinent here, the statute allows any such member to purchase retirement credit if, "immediately preceding the establishment of membership . . . [the member] was compensated for service to the commonwealth as a contract employee." *Id.* According to a regulation promulgated by the board, "'immediately preceded' shall mean within 180 calendar days." 941 C.M.R. § 2.09(3)(e). The consequence of this definition is that "[a]n employee may purchase two consecutive periods of contract service," *id.*, as long as those periods are no more than 180 days apart.

The board made no error in its application of these provisions. Immediately before her entry into service, Lynch "was compensated for service," § 4(1)(s), from the fall of 2008 until the spring of 2013. During the spring of 2008, Lynch may have remained a college faculty member in some sense (as she suggests); but she was not "compensated" for service to the commonwealth. Given the 253-day gap between Lynch's two periods of qualifying service, 941 C.M.R. § 2.09(3)(e) makes the earlier of the two periods unpurchasable. *See also Flynn v. State Bd. of Ret.*, No. CR-21-653, 2024 WL 664421, at *3 (Div. Admin. Law App. Feb. 9, 2024). If the governing statute or regulation may produce unfair or counterintuitive results, they are nonetheless unambiguous, workable, and binding on this tribunal. *Id.* *See generally O'Malley v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 778, 782 (2024); *Pepin v. Division of Fisheries & Wildlife*, 467 Mass. 210, 214 (2014); *Doe v. Sex Offender Registry Bd.*, 459 Mass. 603, 629 (2011).

In view of the foregoing, it is ORDERED that the motion for summary decision is ALLOWED. Summary decision is hereby entered to the effect that the board's decision is AFFIRMED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals