

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Patricia MacNeil,  
Petitioner,

No. CR-24-0616

Dated: January 3, 2025

v.

Massachusetts Teachers' Retirement  
System,  
Respondent.

ORDER OF DISMISSAL

Petitioner Patricia MacNeil's last day of work was June 30, 2024. She completed her portion of a retirement application on July 15. Despite Ms. MacNeil's requests for speedy action, her employer did not complete its portion of the application until September 17.

A member is entitled to retire as of her last day of work only if the retirement application was "filed with the [pertinent retirement board] not more than sixty days after such date." G.L. c. 32, § 10(3). That requirement was not satisfied in the unfortunate circumstances presented here. *See Moynahan v. Essex Cty. Ret. Bd.*, 9 Mass. L. Rptr. 232, 234 (Essex Super. 1998).

A prior order outlined the foregoing analysis and directed Ms. MacNeil to file an affidavit and any exhibits in support of her appeal. The order advised Ms. MacNeil that her failure to make that submission would result in dismissal.

Ms. MacNeil has filed nothing further. It is therefore ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel  
Yakov Malkiel  
Administrative Magistrate