**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Dominic Maraglia**,
Petitioner

Docket No.: CR-25-0481

v.

**State Board of Retirement**,
Respondent

**Appearances:**
For Petitioner: Dominic Maraglia, pro se
For Respondent: Brendan E. McGough, Esq.

**Administrative Magistrate:**
Judi Goldberg

## SUMMARY OF DECISION

Petitioner appealed from the State Board of Retirement's calculation of the amount of his over-earnings while he was receiving an accidental disability retirement allowance. G.L. c. 32, § 91A. The calculation of petitioner's over-earnings was erroneous insofar as the SBR used a salary for a different grade than that which petitioner held when he retired. Accordingly, the State Board of Retirement's decision is partially affirmed and partially vacated and remanded for a new calculation using the same grade that petitioner held when he retired.

## DECISION

Petitioner Dominic Maraglia timely appealed the State Board of Retirement's (SBR) determination that he must reimburse the SBR for his over-earnings. I held an in-person hearing on June 29, 2026, during which I admitted 16 exhibits into evidence. Mr. Maraglia testified on his own behalf and was the only witness. At the end of the hearing, Mr. Maraglia presented his closing statement. The SBR filed a written closing statement, after which I closed the record.

**Findings of Fact**

Based on the evidence in the record and reasonable inferences drawn from it, I make the following findings of fact:

1. Dominic Maraglia began working at the Department of Youth Services (DYS) in August 1988 as a Group Worker II. (Ex. 7.)

2. Mr. Maraglia injured his knee at work and began receiving Workers' Compensation benefits in March 2004. (Ex. 6.)

3. In 2005, he applied for accidental disability retirement (ADR) benefits as the result of the knee injury. (Ex. 7.)

4. He retired from DYS with ADR benefits in 2005. When he retired, his title was Group Worker II with a classification of Grade 14A, Step 12. (Ex. 12; Stipulated facts; Testimony.)

5. Since his retirement, Mr. Maraglia has been employed and as required has reported his earned income to the Public Employee Retirement Administration Commission (PERAC). (Testimony; Ex. 12.)

6. Relevant to the time under review, the collective bargaining agreement (CBA) for the union bargaining unit to which Mr. Maragalia had belonged was effective from July 1, 2020, through June 30, 2023. (Ex. 14.)

7. Appendices A-1 to A-3 of the CBA set out bi-weekly salaries for each of the three years that it covers. Effective July 5, 2020, a person with a Grade 14A, Step 12 classification would earn $2,177.28 bi-weekly ($56,609.28 annually). Effective July 4, 2021, a person with this same grade and step classification would earn $2,220.83 bi-weekly ($57,741.58 annually). And

effective July 3, 2022, a person with this same grade and step classification would earn $2,265.25 bi-weekly ($58,896.50 annually). (Ex. 14.)

8. In August 2022, PERAC, which calculates retiree over-earnings, reached out to the Executive Office of Health and Human Services (EHS) for information about Mr. Maraglia. Specifically, Sandra King asked for the current salary for 2021 and 2022 for the position from which Mr. Maraglia retired. EHS, which has oversight of DYS, used the CBA's salary charts for Grade 14A, Step 12 and responded that for 2020, he would have earned $56,609.28; for 2021, he would have earned $57,741.58; and for 2022, he would have earned $58,896.50.[1] (Ex. 16.)

9. Later in August 2022, Joisei Horton, a disability case coordinator from the SBR wrote to Ms. King explaining that Mr. Maraglia believed that his salary information "was calculated incorrectly." Ms. Horton wrote that she had reached out to EHS who provided $67,859.26 as the annual salary for Mr. Maraglia's former position, effective July 3, 2022. Although that email chain stops there, in another email chain several years later Ms. King explained that the job title Youth Services Group Worker II had been reclassified into a new grade (16C) and that the annual salary, effective July 3, 2022, for this grade at Step 12 was $67,859.26. (Ex. 16)

10. In November 2022, the SBR told Mr. Maraglia that he owed $3,647.22 in over earnings for calendar year 2021. (Ex. 3.) The record does not indicate how PERAC calculated this amount.

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[1] Some of the dollar amounts in the record are internally inconsistent, but the amount of these differences are each less than $1 and do not have an impact on this decision.

11. Mr. Maraglia sent a letter of appeal to the SBR from that decision. (Ex. 5.) The SBR scheduled a hearing regarding his over-earnings for 2021 and 2022. (Ex. 12.)

12. In August 2023, PERAC sent Mr. Maraglia two letters indicating that he had over-earned during calendar years 2021 ($11,259.91) and 2022 ($13,068.05). For its 2021 calculation, PERAC wrote in its first letter that Mr. Maraglia's salary would have been $57,741.58 if he still worked at DYS. For its 2022 calculation, PERAC wrote in its second letter that Mr. Maraglia's salary would have been $58,896.50.[2] (Exs. 1, 2.)

13. In September 2023, the SBR again notified Mr. Maraglia that he must pay $13,068.05 in over-earnings from 2022. (Ex. 4.)

14. In November 2023, Mr. Maraglia received an email from the SBR stating that "this matter has been resolved as the Board has determined that Mr. Maraglia does not owe a refund (or does not have any excessive earnings) for the years 2021 and 2022." The email requested cancellation of a hearing scheduled for later that month. (Ex. 15.)

15. In October 2024, the SBR notified the hearing officer who had been assigned to Mr. Maraglia's case that the matter had not, in fact, been resolved for 2021 and 2022. The case was then reinstated to the hearing officer's docket. (Ex. 12.)

16. In December 2024, PERAC notified Mr. Maraglia that he had over-earned by $7,705.46 for calendar year 2023. For this calculation, PERAC used $67,859.70 as the amount Mr. Maraglia would have earned if he were still working for DYS. (Exs. 9, 12.)

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[2] The SBR hearing officer later determined that PERAC had used $58,896.50 for the first half of 2022 and $67,859.26 for the second half of that calendar year. (Ex. 12.)

17. At a conference with the SBR hearing officer, Mr. Maraglia requested that the hearing include his alleged overearnings for 2023. (Ex. 12.)

18. The SBR held a hearing in January 2025 and the hearing officer issued a decision on March 20, 2025. The hearing officer addressed Mr. Maraglia's over-earnings for 2021, 2022, and 2023. (Ex. 12.)

*Hearing Officer's Findings for 2021*

19. If Mr. Maraglia had continued in the same position he was in when he retired, he would have made $57,741.58. (Ex. 12.)

20. Mr. Maraglia received $33,249.00 as his retirement allowance. (Ex. 12.)

21. He reported that he earned $50,752.49 in regular pay. (Ex. 12.)

22. The hearing officer recommended that the SBR affirm PERAC's calculation that Mr. Maraglia over-earned $11,259.91. (Ex. 12.)

*Hearing Officer's Findings for 2022*

23. If Mr. Maraglia had continued in the same position he was in when he retired, he would have made $58,896.50 for the first half of the calendar year and $67,859.22 for the second half of the calendar year. (Ex. 12.)

24. Mr. Maraglia received a retirement allowance of $33,769.02. (Ex. 12.)

25. He reported that he earned $53,195.53 in regular pay. (Ex. 12.)

26. Using $63,377.86 as the average annual salary that he would have earned if he still worked at DYS, the hearing officer recommended that the SBR find that Mr. Maraglia owed $8,586.69. (Ex. 12.)

*Hearing Officer's Findings for 2023*

27. If Mr. Maraglia had continued in the same position he was in when he retired, he would have earned $67,859.22. (Ex. 12.)

28. In 2023, Mr. Maraglia received a retirement allowance of $34,289.04. (Ex. 12.)

29. He reported that he earned $56,275.64 in regular pay. (Ex. 12.)

30. The hearing officer recommended that the SBR affirm PERAC's calculation that Mr. Maraglia over-earned $7,705.46. (Ex. 12.)

*The Hearing Officer's Conclusion*

31. The hearing officer ultimately recommended that the SBR find that Mr. Maraglia had a total of $27,552.06 in excess earnings for 2021, 2022, and 2023. (Ex. 12.)

32. The SBR accepted the hearing officer's recommended findings and decision and notified Mr. Maraglia that he owed a total refund of $27,552.06 in a letter dated August 6, 2025. (Ex. 10.)

33. Mr. Maraglia timely appealed from the SBR's decision. (Ex. 11.)

**Analysis**

Chapter 32 of the Massachusetts General Laws limits the amount of income a person who retired with accidental disability benefits (ADR) may earn in a year. G.L. c. 32, § 91A. Section 91A of Chapter 32 provides that every person who retires with ADR benefits must file an annual statement certifying the full amount they earned as income for the previous calendar year. *Id*. If a retiree has "excess earnings," they must refund them to their retirement board. *Id*. The amount of the excess earnings equals the amount that the retiree earned that year (earned income) plus their retirement allowance that is "greater than the amount of regular compensation which would have been payable to such member if such member had continued in service in the grade held by him at the time he was retired plus $15,000.00[.]" *Id*.

Mr. Maraglia does not argue that PERAC used the wrong amount of earned income or retirement allowance, nor does he take issue with the formula that PERAC used to calculate the amount of his excessive earnings. Rather, the only question that he has raised in this appeal is whether PERAC used the correct amount of regular compensation that he would have received if he still worked for DYS.

The hearing officer found that PERAC determined that had Mr. Maraglia continued working, he would have earned $57,741.58 for calendar year 2021. For the first half of 2022, PERAC determined that he would have earned $58,896.50 and $67,859.26 for the second half of the calendar year. And for calendar year 2023, PERAC determined that he would have earned $67,859.70. The salary amounts for the second half of 2022 and calendar year 2023 were for Grade 16C, Step 12, which was not the same grade at which Mr. Maraglia retired (Grade 14A, Step 12). Thus, PERAC based its calculations for 2022 and 2023 on a higher grade than that which applied to Mr. Maraglia's job classification when he retired.

However, Section 91A is "straight-forward" and "does not . . . permit allowable earnings to be based on a higher grade or step[.]" *Wylie v. Hampden Cnty. Reg. Ret. Bd.*, CR-15-184, 2018 WL 11682019, at *1 (Contributory Ret. App. Bd. Nov. 28, 2018). In *Wylie*, the Contributory Retirement Appeal Board (CRAB) affirmed the decision by the Division of Administrative Law Appeals that the calculation of the petitioner's excess earnings must use "the grade and step he was in at the time of his retirement." *Wylie v. Hampden Cnty. Reg. Ret. Bd.*, CR-15-184, at *4 (Div. Admin. L. App. Sept. 23, 2016). Thus, in keeping with the explicit language of Section 91A and

CRAB's binding decision in *Wylie*, the calculation of Mr. Maraglia's over-earnings must use the grade and step he occupied at the time of his retirement, Grade 14A, Step 12. The most reliable information in the record of the salary that Mr. Maraglia would have earned is the CBA in effect for the years in question, which includes bi-weekly salaries effective July 5, 2020, July 4, 2021, and July 3, 2022.

Mr. Maraglia has been understandably confused by the back-and-forth, first hearing that he had over-earned and then that he had not, only to then learn that he may have, in fact, over-earned.[3] However, at the end of the day, Mr. Maraglia's entitlement to retirement benefits and the amount of those benefits depend on Chapter 32 alone. Indeed, Chapter 32 "defines and limits the benefits to which . . . retirees are entitled, [and] those benefits are a legal determination that may not be enlarged, even by an erroneous interpretation by [PERAC, the SBR,] or any of its employees." *Clothier v. Teachers' Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010).

**Conclusion and Order**

Based on the above analysis, the SBR's determination of Mr. Maraglia's over-earnings for 2021 is affirmed. The SBR's determination of Mr. Maraglia's over-earnings for 2022 and 2023 is vacated and remanded for recalculation consistent with this decision.

Dated: August 21, 2026

/s/ Judi Goldberg
Judi Goldberg
Administrative Magistrate
DIVISION OF ADMINISTRATIVE LAW APPEALS
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[3] There was also confusion about his over-earnings in 2014 and 2015, not addressed here.