

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Marko Marcinko,
Petitioner

Docket No. CR-26-0151

v.

State Board of Retirement,
Respondent

ORDER OF DISMISSAL

Petitioner Marko Marcinko appeals from a decision of the State Board of Retirement (SBR) denying his request for Group 2 classification under Chapter 32, the Massachusetts retirement law. The Division of Administrative Law Appeals (DALA) issued a Pre-Hearing Order requiring Mr. Marcinko to file a pre-hearing memorandum by May 29, 2026. He did not file the required memorandum and the SBR moved to dismiss his appeal based on his failure to prosecute. Mr. Marcinko responded to the SBR's motion and requested an extension of time. On July 8, 2026, DALA allowed his motion for an extension of time and asked him how much additional time he required. DALA also issued an Order to Show Cause requiring Mr. Marcinko to explain in writing by August 7, 2026, why his appeal should not be dismissed for failure to prosecute. Mr. Marcinko neither responded to the inquiry about how much additional time he required to file his memorandum or to the Order to Show Cause. On August 26, 2026, DALA issued a Second Order to Show Cause requiring Mr. Marcinko to explain in writing by September 9, 2026, why his appeal should not be dismissed for failure to prosecute. Once again, he did not respond.

In light of the foregoing, Mr. Marcinko's appeal is dismissed for failure to prosecute. 801

CMR 1.01(7)(g)(2).

Dated: October 2, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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