

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

Middlesex, ss.

Sharyn McCaughey,
Petitioner,

Docket No.: CR-25-0214

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Sharyn McCaughey, pro se
For Respondent: Yande Lombe, Esq.

Administrative Magistrate:

Eric Tennen

ORDER GRANTING MOTION FOR SUMMARY DECISION

The Petitioner, Sharyn McCaughey, timely appealed a decision by the State Board of Retirement (Board) denying her request to reopen her contract service bill. The Board filed a motion for Summary Decision. Ms. McCaughey replied. Following that, the Board filed a renewed motion for Summary Decision, emphasizing that Ms. McCaughey's reply did not raise an issue of fact. The Division of Administrative Law Appeals (DALA) allowed Ms. McCaughey time to respond to the Board's renewed motion, but she never did. At this point, the motion is ripe for decision.

Material Facts Not in Dispute:

1. Ms. McCaughey worked at Massasoit Community College from 1988 through the present. She started as a contract employee and became a full-time employee in 1990.

(Ex. 5.)

2. She later worked more periods of contract work from 1999 through 2002 and 2005 through 2007. (Ex. 5.)
3. In 2011, she filed an application to purchase her contract service. In October 2011, the Board approved her application and sent her a bill. The bill was significant: \$21,224.12. She was given the option to pay it in full or enter into a payment plan. (Ex. 4.)
4. Ms. McCaughey could not afford to pay this bill, either as a lump sum or through a payment plan. She asked the Board for more time or to buy back less years, but the Board denied that request. (McCaughey response.)
5. Thus, she did not pay the invoice. (McCaughey response; Ex. 1.)
6. At some point in 2025, Ms. McCaughey contacted the Board asking if it could reopen her bill. The Board denied her request because the 180-day deadline to pay the original bill from October 2011 had expired. (Exs. 1 & 3.)

DISCUSSION

Summary decision may be granted when “there is no genuine issue of fact relating to all or part of a claim.” 801 Code Mass. Regs. § 1.01(7)(h). “In such a circumstance, a hearing serves no useful purpose.” *Jordan v. State Bd. of Ret.*, CR-21-0201, 2022 WL 16921458 (Div. Admin. L. App., Feb. 18, 2022). This is such a case.¹

The Petitioner does not dispute that she failed to timely pay her invoice in 2011 when she applied to purchase her contract service. Her request to reopen her bill 15 years later was

¹ In her response to the motion, the Petitioner explained why she did not pay her invoice. She then requested a hearing “to give this reason to the judge.” A hearing is not necessary because I have read her submission and considered her explanation. It is also not necessary because, as noted below, what matters is that she failed to timely pay her invoice, not why she failed to pay it.

based on equitable principles—that she was unable to pay that much money at that time. I sympathize with the Petitioner’s situation; the bill was indeed large, and many people would struggle to pay that amount. However, the only issue before me is whether she had an opportunity to purchase her service and did or did not do so in a timely manner. A member who requests to buyback contract service must pay it in full, or enter into an installment plan, within 180 days after notification. G.L. c. 32, § 4(1)(s); 941 Code of Mass. Regs., § 2.09(5)(b). The Petitioner did neither.

The Petitioner argues this is not fair because the state would not cooperate with her and she has health challenges that will make it hard for her to work enough to make up that time. That may be true, but “I am unable to grant [the Petitioner] anything ‘beyond what the retirement law provides.’” *Drake v. MTRS*, CR-23-0119, 2024 WL 4010774 (Div. Admin. Law App. July 5, 2024), citing *McLaughlin v. State Bd. of Ret.*, CR-19-0515. *13, 2022 WL 16921450 (Div. Admin. Law App. Dec. 23, 2022).

CONCLUSION AND ORDER

The Board’s motion for summary decision is *granted* and the Board’s decision is *affirmed*.

SO, ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: April 24, 2026

Eric Tennen

Eric Tennen
Administrative Magistrate