

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Robert McGlory,**  
Petitioner,

Nos. CR-24-0059, CR-24-0064

Dated: March 21, 2025

v.

**State Board of Retirement,**  
Respondent.

**ORDER OF DISMISSAL**

These appeals arise from decisions of the State Board of Retirement (board) declining to classify certain of petitioner Robert McGlory's prior positions in group 2 for retirement purpose. *See* G.L. c. 32, § 3(2)(g).

A June 2024 consolidated scheduling order established deadlines for the parties to submit prehearing memoranda and proposed exhibits. Mr. McGlory's deadline was in September 2024. He did not comply with that deadline. In December 2024, the board moved to dismiss the appeals based on failure to prosecute. First Magistrate Rooney established a January 2025 deadline for Mr. McGlory to oppose the motion. He has filed no response.

Mr. McGlory has failed "to comply with orders" and to "respond to notices or correspondence." 801 C.M.R. § 1.01(7)(g)(2). In addition, by submitting neither an opposition to the board's dispositive motion nor a memorandum and exhibits in support of his appeals, Mr. McGlory has "indicate[d] an intention not to continue with the prosecution of [his] claim[s]." *Id.* *See also Metro v. Newton Ret. Bd.*, No. CR-20-237, 2024 WL 5112217 (Contributory Ret. App. Bd. Nov. 18, 2024). Dismissal based on failure to prosecute is therefore appropriate. Adjudicative tribunals must focus their limited resources on disputes that are actually being litigated. *See Bucchiere v. New England Tel. & Tel. Co.*, 396 Mass. 639, 641 (1986).

In view of the foregoing, it is hereby ORDERED that the motion to dismiss is ALLOWED and these appeals are DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate