

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

Middlesex, ss.

Patrick J. McGonagle,  
Petitioner

v.

Docket No. CR-26-0178

State Board of Retirement,  
Respondent

**ORDER OF DISMISSAL**

Petitioner Patrick J. McGonagle was a member of the Massachusetts State Employees' Retirement System (MSERS) from January 6, 1997, to October 16, 1998. He then left state service and accepted a refund of his accumulated total deductions, which terminated his membership in MSERS. He returned to state service in June 2023 and rejoined MSERS. He applied to purchase his previously refunded time as creditable service. The Respondent State Board of Retirement (SBR) billed him in September 2023 and again in April 2024 at the reduced rate of half of the MSERS actuarial interest rate (buyback interest rate), as provided for in Section 3(8)(b) of Chapter 32 of the Massachusetts General Laws. Mr. McGonagle did not pay either of those bills. In September 2025, Mr. McGonagle inquired again about purchasing the prior creditable service. In response, the SBR billed him at the full actuarial interest rate, concluding that because he did not purchase his prior service within one year of his return to service, he would have to pay the actuarial interest rate rather than the buyback interest rate. Mr. McGonagle appealed from that decision.

Section 3(8)(b) of Chapter 32 of the Massachusetts General Laws requires members who do not purchase service within one year of returning to service to pay the full actuarial interest rate rather than the buyback interest rate if they wish to purchase prior creditable service. In his appeal of the SBR's decision, Mr. McGonagle wrote that the SBR never informed him that the interest rate would double after one year and that had he known, he would have purchased his time sooner.

The Division of Administrative Law Appeals (DALA) issued an Order to Show Cause, directing Mr. McGonagle to submit a written response explaining the legal basis for his request that the SBR allow him to pay half of the actuarial interest rate rather than the full actuarial interest rate required by Section 3(8)(b). In addition, if he believed that the SBR had a legal obligation to inform him that the interest rate would increase after one year, DALA directed him to provide the legal basis for that belief. The Order notified Mr. McGonagle that if he did not respond, or if he did not provide a sufficient response supported with legal citations, his appeal may be dismissed.

Mr. McGonagle did not respond. His appeal is therefore dismissed for failure to prosecute.  
801 CMR 1.01(7)(g)(2).

Dated: June 5, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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