

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

Middlesex, ss.

John Mele,
Petitioner,

Docket No. CR-25-0364

v.

Dated: February 27, 2026

Massachusetts Teachers' Retirement
System,
Respondent

ORDER OF DISMISSAL

Petitioner John Mele timely appeals from a decision by the Massachusetts Teachers' Retirement System (MTRS) that applied the "anti-spiking" provision at G.L. c. 32, § 5(2)(f) to his retirement benefit calculation. The parties agreed to have this matter decided under 801 C.M.R. § 1.01(10)(c). They filed memoranda and documents, the latter which I entered in evidence. (Exhibits 1-7). Mr. Mele's appeal is dismissed for failure to state a claim. 801 C.M.R. § 1.01(7)(g)(3).

On June 30, 2025, Mr. Mele retired from his position as an assistant principal in the Haverhill School District. His highest three years of creditable service are from 2017-2020. Under the "anti-spiking" provision, MTRS reduced his compensation earned in 2019-2020 from \$117,250.00 to \$113,575.00 because his compensation for that school year exceeded the average of that earned in the prior two school years by greater than 10%. G.L. c. 32, § 5(2)(f).

Mr. Mele does not take issue with MTRS's calculations or any other way it applied the "anti-spiking" provision to his earnings. Nor does he assert that any of the limited statutory

exceptions to the application of the “anti-spiking” provision apply to him. Mr. Mele argues that the raise he received in 2019-2020 was to account for prior years when he and other administrators received no raises. He suggests it is unfair to penalize him for action taken by a superintendent to correct a salary imbalance.

The “anti-spiking” provision, however, does not consider intent or fairness. It requires an adjustment to regular compensation when its limits are exceeded and no exceptions apply. *Giampietro v. State Bd. of Ret.*, No. CR-22-0382 (Div. Admin. Law App. Apr. 26, 2024). To the extent Mr. Mele seeks equitable relief, the Division of Administrative Law Appeals is without authority to alter the requirements of the retirement law. *See Bristol Cnty. Ret. Bd. v. Contributory Ret. App. Bd.*, 65 Mass. App. Ct. 443, 451-52 (2006); *Banks v. State Bd. of Ret.*, No. CR-24-0068, 2024 WL 3770229, at *2 (Contributory Ret. App. Bd. Jul. 3, 2024).

MTRS’s decision is affirmed. Mr. Mele failed to state a claim on which relief can be granted. 801 C.M.R. § 1.01(7)(g)(3).

Bonney Cashin
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Administrative Magistrate
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