

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

John Mellace,
Petitioner,

Docket No.: CR-25-0730

v.

Boston Retirement System,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision of respondent the Boston Retirement System (board) to deny petitioner John Mellace's application to retire for accidental disability.

The board interpreted Mr. Mellace's application as reliant on the heart law, G.L. c. 32, § 94. In support of its denial decision, the board reasoned that Mr. Mellace did not satisfy the heart law's prerequisites: specifically, the board saw no evidence that Mr. Mellace ever passed a pre-employment or post-employment physical that turned up no evidence of heart disease. *See id. See also Sullivan v. Contributory Ret. Appeal Bd.*, 61 Mass. App. Ct. 1106 (2004) (unpublished memorandum opinion). The board stated that Mr. Mellace remains eligible "to file a new physician's statement and to be examined by a new PERAC medical panel . . . without the benefit of the [heart law]."

In an effort to advance this appeal toward a fair and speedy disposition, a prior order required Mr. Mellace to: (a) describe the evidence through which he intends to prove that he passed a pre-employment or post-employment physical that revealed no evidence of heart disease; and (b) report whether he wishes to pursue accidental disability retirement without

the benefit of the heart law. The order advised Mr. Mellace that his failure to respond could result in dismissal of the appeal for failure to prosecute.

Mr. Mellace's filing deadline has expired. He has submitted nothing further. He has failed "to respond to notices or correspondence," has failed "to comply with orders of the Presiding Officer," and has indicated "an intention not to continue with the prosecution of [his] claim." 801 C.M.R. § 1.01(7)(g)(2). It is therefore ORDERED that this appeal is DISMISSED.

Dated: January 23, 2026

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
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