

**MASSACHUSETTS**

Public Employee Retirement Administration Commission

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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: G.L. c. 32, §100

DATE: July 28, 2000

General Law Chapter 32, Section 21(1)(d) authorizes the Commission to review all accidental and ordinary disability retirements granted by the retirement boards. General Law Chapter 32, Section 21(4) gives the Commission the authority to review applications for accidental death benefits which have been approved by a retirement board. As the Supreme Judicial Court found in Plymouth County Retirement Association et al v. Commissioner of Public Employee Retirement, 571 N.E. 2d 1386 (1991), Section 21(4) vests in the Commission “a broad grant of review authority.” This grant includes a review of benefits approved under G.L. c. 32, § 100.

General Law chapter 32, Section 100 provides a retirement benefit for the spouse of a firefighter, police officer, or corrections officer who is killed in the performance of duties. That the section involves a pension benefit is apparent both from its placement in G.L. c. 32 and its title “Pensions to surviving spouses of firefighters, police officers or corrections officers killed in the performance of duties.” Section 100 further provides that, insofar as the deceased firefighter, police officer, or corrections officer was a member of a retirement system, the benefits paid to the spouse of such an individual shall be “from the same appropriation, and in the same manner, as accidental death benefits payable under the provisions of section nine...”

As an accidental death benefit, cases which are granted under Section 100 must be reviewed by and approved by PERAC, in accordance with the dictates of G.L. c. 32, § 21(4) and the Supreme Judicial Court’s holding in Plymouth County v. Commissioner, above.

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TO: ALL RETIREMENT BOARDS  
FROM: JOSEPH E. CONNARTON  
RE: G.L. c. 32, § 100  
DATE: JULY27, 2000

There has been some suggestion that because the last paragraph of Section 100 states, in regard to a member of a retirement system, “that this section shall be administered by” the appropriate retirement board, the Commission has no review authority over benefits approved under this section. This interpretation is not correct. The fact that the section is to be administered by the appropriate retirement board in regard to a member of the system does not mean that the Commission does not have the authority to review all cases approved under this section.

We trust that this clears up any confusion which may have existed about Section 100. When a board grants a Section 100 benefit, it must be sent to the Commission for review.

Should you have any question or concern relative to the appropriate interpretation of Section 100, please feel free to contact Judi Corrigan at ext. 904.