

**COMMONWEALTH OF MASSACHUSETTS  
CONTRIBUTORY RETIREMENT APPEAL BOARD**

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**RICHARD METRO,**

**Petitioner-Appellant**

**v.**

**NEWTON RETIREMENT BOARD,**

**Respondent-Appellee**

**CR-20-0237**

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**DECISION**

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On March 11, 2022 an administrative magistrate of the Division of Administrative Law Appeals (“DALA”) dismissed petitioner Richard Metro’s appeal of a decision by the Newton Retirement System denying Mr. Metro’s request to include a veteran’s allowance in the calculation of his ordinary disability retirement benefit. Mr. Metro submitted a notice of appeal dated March 16, 2022, which we received on March 18, 2022.

On March 18, 2022, we acknowledged its receipt, and provided the Petitioner and counsel for the Respondent with copies of our Standing Order 2008–1 (Standing order Concerning Appeals from the Division of Administrative Law Appeals). We directed Petitioner’s attention to paragraph 4 and reminded Petitioner that “Failure to comply with the Standing Order may result in dismissal of the appeal.”

On March 24, 2022, the Contributory Retirement Appeal Board (CRAB) received a letter from the Petitioner dated March 22, 2022, in which the Petitioner requested a meeting in person with the Board and exemption from “any and all time constraints” related to his appeal. On April 6, 2022 the Chair contacted Mr. Metro at the phone number listed on his letter and explained the appeal process at CRAB and his responsibilities as required by Standing Order 2008–1. In her explanation, the Chair provided Mr. Metro with the contact information of DALA to obtain the exhibits related to his appeal and explained to the Petitioner that he was required to submit these

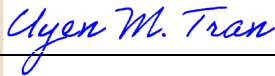
documents to CRAB within forty days of the DALA decision date or request an extension of time.

On September 3, 2024 we issued to Petitioner an Order of Conditional Dismissal. We noted that Mr. Metro's supplemental filings were overdue and requested a response by September 17, 2024 "showing good cause for the delay." As of the date of this Dismissal, we have not received any further filings or communication from Mr. Metro. The Petitioner's failure to respond to CRAB's Order of Conditional Dismissal thus clearly "indicates an intention not to continue with the prosecution of a claim." 801 C.M.R. § 1.01(7)(g)(2).

Accordingly, this appeal is dismissed for failure to prosecute.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD



Uyen M. Tran  
Assistant Attorney General  
Chair  
Attorney General's Appointee



Nicolle M. Allen, Esq.  
Governor's Appointee



Patrick M. Charles, Esq.  
Public Employee Retirement  
Administration Commission Appointee

Date: November 18, 2024