

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Philip Millette,
Petitioner

Docket No. CR-25-0710

v.

State Board of Retirement,
Respondent

ORDER OF DISMISSAL

Petitioner Philip Millette appeals a decision of the State Board of Retirement (SBR) that his retirement date is November 11, 2025, which is 15 days from October 27, 2025, the date on which it received his retirement application. On December 1, 2025, the Division of Administrative Law Appeals (DALA) issued a prehearing order requiring the parties to submit a joint prehearing memorandum by February 13, 2026. The SBR later moved to allow the parties to file separate prehearing memoranda. DALA granted this request and ordered Mr. Millette to file his prehearing memorandum by May 6, 2026. After Mr. Millette did not file his memorandum by this deadline, the SBR moved to dismiss or for summary decision. DALA provided Mr. Millette until July 14, 2026, to respond to SBR's motion. When Mr. Millette did not file a response, DALA issued an Order to Show Cause requiring Mr. Millette to explain, by September 17, 2026, why he did not file the prehearing memorandum or respond to the SBR's motion. Mr. Millette did not respond.

In light of the foregoing, Mr. Millette's appeal is dismissed for failure to prosecute. 801 CMR 1.01(7)(g)(2).

Dated: October 9, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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