

**COMMONWEALTH OF MASSACHUSETTS  
CONTRIBUTORY RETIREMENT APPEAL BOARD**

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**MASSACHUSETTS TEACHERS' RETIREMENT SYSTEM,**

**Petitioner-Appellant**

**v.**

**WALTHAM RETIREMENT BOARD,**

**Respondent-Appellee.**

**CR-18-0307**

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**DECISION**

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Respondent Waltham Retirement Board (WRB) appeals from a decision of an administrative magistrate of the Division of Administrative Law Appeals (DALA), ordering the WRB to reimburse petitioner, the Massachusetts Teachers' Retirement System (MTRS), the full amount of the February 12, 2018, Reimbursement Request that MTRS made to SRS, pursuant to G.L. c. 32, § 3(8)(c). Both MTRS and WRB agreed that this appeal involved a question of law and therefore, the magistrate issued a briefing schedule. On May 3, 2019, WRB filed a Motion to Stay or Continue, which was opposed by MTRS. On June 12, 2019, the magistrate denied the Motion to Stay and modified the scheduling order. On July 15, 2019, WRB filed a Motion to Dismiss or to Limit Recovery and its Memorandum in Support of Objections. Thereafter, MTRS filed its Opposition to that motion on August 19, 2019. The magistrate issued a decision on October 23, 2020 based on the written submissions of the parties. SRS filed a timely appeal to us.

We incorporate the DALA decision by reference and adopt its findings of fact 1 - 8 as our own. After reviewing the record and considering the arguments by the parties, we affirm the DALA decision for the reasons set forth in the Discussion and for the reasons stated in our decision, released today, in *MTRS v. Clinton Retirement Board*, CR-18-0438 (CRAB August 2, 2024), which we also incorporate by reference.

This matter involves two members of MTRS who had prior service with the City of Waltham: Ms. Sandra Crimlisk and Ms. Joyce Pilicy. Ms. Crimlisk had service within WRB from September 7, 1982 to September 1, 1999. Ms. Pilicy was a Teacher Aide with the City of Waltham from January 3, 1978 to June 30, 1978, from September 1, 1978 to November 5, 1979, and from February 5, 1980 to June 30, 1980. On April 8, 1999, WRB advised MTRS that it would accept liability for Ms. Pilicy's time with proper make up payments to MTRS. Ms. Crimlisk retired on June 30, 2009, and Ms. Pilicy retired on May 18, 1999. Findings of Fact 1-3. On February 12, 2018, MTRS requested reimbursement from WRB for its share of the pensions paid by MTRS for retired members that included Ms. Crimlisk and Ms. Pilicy pursuant to G.L. c. 32, § 3(8)(c). WRB owed MTRS \$24,740.43 annually for Ms. Crimlisk and \$304.32 for Ms. Pilicy. Finding of Fact 4. WRB advised MTRS in a letter dated April 20, 2018 that it was not liable to reimburse MTRS for Section 3(8)(c) liability for funds paid beyond six years from the request and asked that MTRS issue a revised request for reimbursement. Finding of Fact 5. On May 18, 2018, MTRS sent its 2017 Reimbursement Request to WRB noting a reimbursement amount of \$140,452.67. WRS paid the undisputed amount of the funds. Findings of Fact 7-8.

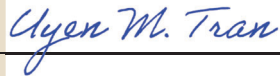
We conclude that the magistrate correctly determined that we have jurisdiction to hear this appeal pursuant to G.L. c. 32, § 16(4), and that MTRS was not (as WRB contends) limited to pursuing an action in contract. We further conclude that MTRS is entitled to full reimbursement of its February 12, 2018, reimbursement request in accordance with the provisions of G.L. c. 32, § 3(8)(c), and is in no way barred by the six-year statute of limitations on contract actions in G.L. c. 260, § 2. Since WRB has paid MTRS the undisputed amount of the funds for the services of Ms. Crimlisk and Ms. Pilicy, WRB must reimburse MTRS the disputed amount of the funds, which totaled \$140,452.67.

### **CONCLUSION**

For the reasons set forth in the DALA decision and in our decision issued today in, *MTRS v. Clinton Retirement Board*, CR-18-0438 (CRAB August 2, 2024), the DALA decision is affirmed.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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

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Nicolle M. Allen, Esq.  
Governor's Appointee

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

Date: August 2, 2024

CONTRIBUTORY RETIREMENT APPEAL BOARD

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Uyen M. Tran  
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Chair  
Attorney General's Appointee

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Nicolle M. Allen, Esq.  
Governor's Appointee

A white rectangular box containing a handwritten signature in black ink that reads "Patrick M. Charles".

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

Date: August 2, 2024