

**COMMONWEALTH OF MASSACHUSETTS
CONTRIBUTORY RETIREMENT APPEAL BOARD**

PETER MULLIN,

Petitioner-Appellee,

v.

STATE BOARD OF RETIREMENT,

Respondent-Appellant.

CR-20-0257

ORDER OF REMAND TO DALA

On March 23, 2023, respondent State Board of Retirement (SBR) appealed a decision of an administrative magistrate of the Division of Administrative Law Appeals (DALA) reversing respondent's decision denying petitioner Peter Mullin's request to purchase veteran's creditable service pursuant to G.L. c. 32, § 4(1)(h). On March 24, 2023, Mr. Mullin also filed a notice of appeal of the DALA decision. On April 4, 2023, the parties filed a Motion to Stay the Proceedings to await a decision by the Contributory Retirement Appeal Board (CRAB) in the matter of *Gouck v. State Board of Retirement*, CR-19-311. This motion was granted. While *Gouck* was pending before CRAB, Chapter 178 of the Acts of 2024, An Act Honoring, Empowering, and Recognizing Our Servicemembers and Veterans (the "Hero Act"), was enacted on August 8, 2024. Section 4(1)(h) was amended to add the following:

"Notwithstanding the provisions of this chapter or any other general or special law, rule or regulation to the contrary, a member in service of a retirement system as defined in section 1 shall be provided written notice by the retirement board upon entry into service that if they qualify as a veteran who served in the armed forces of the United States, they shall be entitled to credit for active service in the armed services of the United States; provided, however, that such active service shall not be credited until such member, prior to or within 1 year of vesting pursuant to this chapter, has paid into the annuity savings fund of such system, in 1 sum or in installments, upon such terms and conditions as the board may prescribe, makeup payments, for each year of creditable service sought, of an amount

equal to 10 per cent of the regular annual compensation of the member when said member entered the retirement system; provided further, that such creditable service shall not be construed to include service for more than 4 years; and provided further, that such creditable service shall not be allowed for any period of active service for which said veteran has received credit pursuant to this paragraph. This paragraph shall apply to national guard and active reserve personnel, both former and present. Creditable service time, both enlisted and commissioned, may be applied toward retirement on a ratio of 5 years of national guard service or 5 years of active reserve service substitutable for each year of active service. National guard and active reserve personnel shall not be precluded from making said purchase if they qualify as a veteran after vesting or if they reach the maximum of 4 years of eligible service purchase after vesting and qualifying as a veteran; provided, however, that they enter into a purchase agreement within 5 years of the last occurring event.”

This Act promulgated the Public Employee Retirement Administration Commission (PERAC) to issue PERAC Memo # 23/2024. Accordingly, the stay is lifted and this case is remanded to DALA for consideration of the Hero Act and PERAC Memo #23/2024. On remand, additional evidence and argument shall be received either at the request of one of the parties or in the discretion of the administrative magistrate to whom the case is assigned.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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Date: October 30, 2024