

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Julie Nally,
Petitioner,

Docket No.: CR-25-0258

v.

Massachusetts Teachers' Retirement System,
Respondents.

Appearances:

For Petitioner: Julie Nally, pro se
For Respondent: Salvatore Coco, esq.

Administrative Magistrate:

Eric Tennen

SUMMARY OF DECISION

The Petitioner was a longtime teacher. She worked mostly full-time. But from 2002-2009, she reduced her hours to take care of her children. Instead of working full-time, she worked 3 days a week. Although she characterizes her change as working some hours and taking "unpaid leave" for the other hours, that is not what happened. Rather, she simply went from working full-time to working part-time. She is not entitled to credit for "unpaid leave."

INTRODUCTION

The Petitioner, Julie Nally, timely appeals a decision by the Massachusetts Teachers' Retirement System (MTRS) denying her request for unpaid leave of absence credit. During the pre-hearing process, the Division of Administrative Law Appeals (DALA) determined that there were no disputed facts, and the case could be decided on the papers. 801 Code of Mass. Regs. § 1.01(10)(b). The parties submitted various documents. I now enter into evidence exhibits P1-P3 and R1-R3.

FINDINGS OF FACT

1. The Petitioner is a current member of MTRS. She has always taught in North Andover.
(Exs. R2-R3.)
2. From 1998 until 2002 she taught full-time. But starting in 2002 through 2009, she reduced her hours so she could take care of her children. For the first few years, she taught 75% of a full-time schedule; for the remaining years she taught 60% of a full-time schedule. (Exs. R2-R3.)
4. She returned to a full-time schedule after that (with some exceptions not relevant to this appeal). (Exs. R2-R3.)
5. In preparing for her retirement, the Petitioner attended some MTRS seminars. She asked MTRS if she could accrue creditable service for multiple leaves of absences. In one anonymous response, someone explained “for each individual leave of absence, we can provide up to 1 month (0.1 years) of credit.” (Ex. P3.)
6. Based on this (and other similar responses) she requested MTRS grant her creditable service for her seven leaves of absence, which I infer refers to one leave for each year she reduced her hours between 2002 and 2009. (Exs. P1-P2.)

DISCUSSION

“Calculating creditable service for a strictly full-time member of a retirement system is straightforward; the employee is entitled to one month of creditable service for each month worked.” *Abele v. Newton Ret. Bd.*, CR-08-495, 2009 WL 5908197 (Div. Admin. Law App. Oct. 16, 2009). Retirement boards are given broad discretion to determine how to credit part-time work. *Id.* Here, MTRS has a regulation that explains it calculates creditable service for part-time

work on a pro-rated basis. 807 Code. Of Mass. Regs. § 3.04(1). There is no dispute MTRS properly provided the Petitioner with pro-rated credit for her reduced hours.

To be fair, that is not what the Petitioner disputes. She argues that she was not working part-time; rather, she says she kept her full-time job but simply took unpaid leaves of absence. So instead of working part-time three days a week, she says she kept her full-time job, being paid for the days she worked, and taking unpaid leaves of absence for the days she did not work. The semantics of this argument matter because a separate statute allows retirement boards to credit members for up to one month a year of creditable service for any “continuous absence without regular compensation.” G.L. c. 32, § 4(1)(c). In layman’s terms, that section refers to unpaid leaves of absence. Thus, the Petitioner says because she was on an “unpaid leave of absence” when she was not working, she should be entitled to this one-month credit for each of the seven years she reduced her hours.

The Petitioner’s argument is creative, but it does not reflect the reality of her situation. The plain words of the statute allow members creditable service in these situations only “for any period of [their] continuous absence without regular compensation.” *Id.* The Petitioner was not continually absent—she worked some days and not others. And she was not without regular compensation—she was paid when she worked part-time. She was thus not on a “leave of absence” at all. She simply reduced her hours.

Indeed, the Petitioner’s argument would create an illogical result. Generally, a member on an unpaid leave of absence is considered a “member inactive,” except for certain situations not present here. See G.L. c. 32, § 3(1)(a)(i). But the Petitioner was not a “member inactive” during this time. She was an active member in service accumulating creditable service. Logically

one cannot be both a member in service and an inactive member at the same time. The Petitioner's argument would mean she was a member in service when she worked on Monday, then an inactive member when she did not work on Tuesday, then an active member in service again when she worked on Wednesday, and so on. This is not how membership status or part-time service functions.¹

CONCLUSION AND ORDER

MTRS' decision denying the Petitioner's request for creditable service is affirmed.

SO, ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Date: January 23, 2026

Eric Tennen

Eric Tennen
Administrative Magistrate

¹ The Petitioner stresses that she was assured she would receive this credit after asking multiple times at various retirement seminars. But she may have been told that because of how she framed the question: "I thought a previous MTRS seminar indicated that you could accrue months from multiple approved leaves of absences towards creditable service[?]" However, as noted, she was not on a leave of absence.