

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Paul Normandin, Jr.,
Petitioner

v.

Docket No.: CR-25-0551

Date Issued: July 3, 2026

Southbridge Retirement Board,
Respondent

Appearance for Petitioner:

Paul Normandin, Jr., pro se

Appearance for Respondent:

Michael Sacco, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY

The petitioner worked part-time as a janitor and an emergency dispatcher in two towns that were subject to the Worcester Regional Retirement System. He was not a retirement system member while he worked either job. Later, he became a full-time employee in Southbridge and is now a member of its retirement system. He is not entitled to purchase either the janitor or emergency dispatcher service because it was part-time and it was rendered in another governmental unit. *See* G.L. c. 32, §§ 3(5), 4(2)(c).

DECISION

Petitioner Paul Normandin, Jr. appeals from a decision of Respondent

Southbridge Retirement Board denying his application to purchase retirement credit for

part-time, pre-membership work for two governmental units that fell under a different retirement system. On October 15, 2025, the Division of Administrative Law Appeals (DALA) notified the parties that the appeal appeared to be capable of resolution on written submissions under 801 CMR 1.01(10)(c) and ordered them to file legal memoranda and proposed exhibits. Neither party objected to the appeal being decided without an evidentiary hearing. Both parties submitted memoranda, and Mr. Normandin submitted 6 proposed exhibits. I hereby admit the 6 proposed exhibits into evidence as marked. (Exs. 1-6.)

FINDINGS OF FACT

Based on the documents in the record, and reasonable inferences drawn from them, I find the following facts:

1. Paul Normandin, Jr. has been a firefighter in Southbridge since 2013. He is a member of the Southbridge Retirement Board.¹ (Ex. 1.)
2. From July 16, 1982 until July 1, 1985, Mr. Normandin worked as a part-time janitor in the Town of East Brookfield. During the entire period he earned \$8,471.06. The record does not reflect how many hours he worked there. (Ex. 3.)

¹ Mr. Normandin was also a call firefighter in East Brookfield from 1984 to 2006. This service is not a subject of this appeal, as he has already purchased the allowed five years of his call firefighter service. See G.L. c. 32, § 4(2)(b). In 2006, he became a full-time firefighter in East Brookfield and consequently a member of the Worcester Regional Retirement System. In 2013, he began working as a firefighter in Southbridge and transferred to its retirement system. (Ex. 1.)

3. In 1990 and 1991, Mr. Normandin worked as a part-time emergency dispatcher in the Town of North Brookfield. During the entire period, he worked 629 hours for a total of \$4,407.65. (Ex. 4.)

4. The Worcester Regional Retirement System, which covers East Brookfield and North Brookfield, estimated that Mr. Normandin's East Brookfield service amounted to 1 year, 2 months and his North Brookfield service amounted to 3 months. Mr. Normandin was not a member of the retirement system when he worked these two part-time jobs. (Ex. 2.)

5. On some date prior to September 4, 2025, Mr. Normandin applied to the Southbridge Retirement Board to purchase his East Brookfield and North Brookfield part-time service. On September 4, 2025, the Southbridge Board denied his application "based on the law." (Ex. 5.)

6. Mr. Normandin timely appealed the Board's decision. (Ex. 6.)

CONCLUSION AND ORDER

The retirement benefits of a Massachusetts public employee depend in part on the length of the employee's "creditable service." See G.L. c. 32, § 5(2). An employee is ordinarily credited with the periods during which he worked for Massachusetts governmental units while maintaining membership in Massachusetts retirement systems. See *id.* § 4(1)(a).

Assorted provisions of the retirement law allow employees in certain circumstances to "purchase" credit for work that otherwise would not count. Mr. Normandin relies on two provisions of Chapter 32 to support his argument. First, he

claims that § 3(5), which allows purchases by “any member . . . who rendered service in any governmental unit other than that by which [the member] is presently employed, in a temporary, provisional, or substitute position,” applies to him. Second, he insists that, even if he cannot purchase his part-time service under § 3(5), he can do so under § 4(2)(c), which covers part-time work but only in the same governmental unit.

As the Board points out, in *Poulin v. Massachusetts Teachers’ Retirement System*, CR-24-0469 (Div. Admin. L. App. March 14, 2025), a DALA magistrate explained that the Contributory Retirement Appeal Board has already dealt with these arguments dispositively. In *Poulin*, a member of the Massachusetts Teachers’ Retirement System attempted to purchase part-time non-membership service rendered at the University of Massachusetts, which fell under the State Board of Retirement. The magistrate explained:

Ms. Poulin [is] ineligible for a purchase under § 3(5). The circumstances covered by the statute’s pertinent passage are “temporary, provisional, or substitute” work. Binding precedents read this rule as inapplicable to “‘part-time’ service.” *Santos v. Massachusetts Teachers’ Ret. Syst.*, No. CR-04-70, at *2 (Contributory Ret. App. Bd. Mar. 6, 2006). See *Tremblay v. Leominster Ret. Bd.*, No. CR-07-685 (Contributory Ret. App. Bd. May 19, 2011). Ms. Poulin acknowledges that her service at UMass was part time.

Although neither party has raised the point, it may be instructive to note that another statute, G.L. c. 32, § 4(2)(c), does cover “part-time” work. A different problem arises for Ms. Poulin under that provision. The case law has interpreted it as applicable “only to previous periods of [work] . . . in the same governmental unit,” while “excluding . . . service in another governmental unit.” *Santos, supra*, at *3. See *Jette v. Norfolk Cty. Ret. Bd.*, CR-14-720, 2017 WL 11905817, at *3 n.30 (Contributory Ret. App. Bd. Oct. 23, 2017). A member’s governmental unit is usually his or her employer. See G.L. c. 32, § 1. But because Ms. Poulin is a teacher, she is treated as belonging to a unique, fictitious governmental unit shared by all MTRS members; whereas her pre-membership work took place in a different unit, namely UMass. See *id.*; *Santos, supra*, at *3. A

purchase under § 4(2)(c) is thus also unavailable. *See also Roberts v. Massachusetts Teachers' Ret. Syst.*, No. CR-23-0289, 2025 WL 689849 (Div. Admin. Law App. Feb. 21, 2025).

Id., at *2.

The analysis here is straightforward. Mr. Normandin admits that he worked part-time in East Brookfield and North Brookfield. His former employers confirm it. Therefore, he cannot purchase that service under § 3(5). It is also obvious that the part-time jobs were performed in governmental units subject to a retirement system different from the one of which he is currently a member. Therefore, he cannot purchase the service under § 4(2)(c).

In addition to the statute, Mr. Normandin stresses that Chapter 32 and PERAC give retirement boards discretion to credit periods of prior service and that the Southbridge Retirement Board should exercise that discretion in his favor. Whatever discretion the Board has here, it certainly does not have the discretion to allow service purchases that are not explicitly allowed in Chapter 32. *See Berrios v. Dep't of Pub. Welfare*, 411 Mass. 587, 595 (1992); *Royce v. Comm'r of Corr.*, 390 Mass. 425, 427 (1983). And, DALA likewise has no power to grant such benefits. *Costa v. Newton Ret. Sys.*, CR-25-0239, at *5 n.1 (Div. Admin. L. App. May 22, 2026). (“‘[E]quitable concerns,’ i.e., intuitive senses of fairness, justice, and sympathy, cannot overpower legislative commands. That principle applies both in administrative tribunals and in the courts.”), citing *McCarthy v. Governor*, 471 Mass. 1008, 1011 (2015); *T.F. v. B.L.*, 442 Mass. 522, 533-34 (2004); *Freeman v. Chaplic*, 388 Mass. 398, 406 n.15 (1983).

In view of the foregoing, the Southbridge Retirement Board's decision is affirmed. Mr. Normandin is not entitled to purchase his prior periods of non-membership, part-time employment in governmental units subject to a retirement system other than Southbridge.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

Dated: July 3, 2026