

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Susan Parker,**  
Petitioner,

No. CR-25-0229

Dated: May 23, 2025

v.

**Massachusetts Teachers' Retirement System,**  
Respondent.

**ORDER OF DISMISSAL**

This is an appeal from a decision of the Massachusetts Teachers' Retirement System (MTRS) to exclude the petitioner from the benefits program known as Retirement Plus. G.L. c. 32, § 5(4). As an individual who was already a teacher and a retirement-system member in 2001, the petitioner was permitted to enroll in Retirement Plus no later than the middle of that year. Acts 2000, c. 114, § 2.

A prior order explained that teachers who missed the mid-2001 deadline generally cannot join Retirement Plus at a later date. *See Roldan-Flores v. Massachusetts Teachers' Ret. Syst.*, No. CR-18-311, 2020 WL 14009727 (Contributory Ret. App. Bd. Dec. 10, 2020). The Legislature made no exception from this rule for individuals to whom MTRS mailed no enrollment "ballot," and who therefore would have needed either to ask MTRS for a ballot or to enroll by filing some other signed writing. *See Desire v. Massachusetts Teachers' Ret. Syst.*, No. CR-14-200, 2017 WL 6335487, at \*4 (Div. Admin. Law App. July 7, 2017). *See generally In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023).

The prior order therefore required the petitioner to show cause why her appeal should not be dismissed for failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(3). The petitioner was

advised that her failure to make that showing or failure to respond would result in dismissal of the appeal.

The petitioner has filed no response. Her deadline has expired. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate