

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**Bonnie Paton,
Elsa Puglielli,
Jason Raisner,
Madeline Doherty,
Katheleen Carolan,
Kimberly Canney,
Erin Pels,
Diane Boucher, and
Krystyna Geagan,**
Petitioners,

Docket No.: CR-25-0467
Docket No.: CR-25-0488
Docket No.: CR-25-0536
Docket No.: CR-25-0544
Docket No.: CR-25-0545
Docket No.: CR-25-0546
Docket No.: CR-25-0547
Docket No.: CR-25-0605
Docket No.: CR-25-0646

Dated: September 18, 2026

v.

Boston Retirement System,
Respondent.

CONSOLIDATED ORDER OF DISMISSAL

The petitioners in these nine appeals are employees of the Boston school system. Under a collective bargaining agreement, their pay sometimes includes sums referred to as “caseload-overage pay” and “clerical-support pay” (together, extra pay). In formal decision letters, the Boston Retirement System (board) informed the petitioners that it would not treat their extra pay as regular compensation for retirement purposes. *See* G.L. c. 32, §§ 1, 5(2)(a). The petitioners promptly lodged these appeals, which were consolidated with each other and with two other appeals not at issue here.

On close examination, the petitioners were not “aggrieved” by the board’s letters in the sense that would make the letters appealable under G.L. c. 32, § 16(4). The word “aggrieved” in the context of such statutes denotes actual, practical injuries to a party’s rights. *See Board of Health of Sturbridge v. Board of Health of Southbridge*, 461 Mass. 548, 557 (2012). A decision

of a retirement board in particular tends to be aggrieving if it decreases the amounts payable to a member or increases the amounts collectable from her; a predictive “opinion letter” does not qualify. *See Gloucester Ret. Bd. v. Public Emp. Ret. Admin. Comm’n*, No. CR-21-217, 2025 WL 2322619, at *1 (Contributory Ret. App. Bd. May 28, 2025) (citing cases).

These petitioners are not yet seeking to retire. As a result, the board’s position as stated in its letters may or may not impose adverse consequences on them. Each petitioner ultimately may withdraw his or her contributions instead of retiring, may retire for reasons other than superannuation, and may retire from a system other than Boston. Each petitioner may or may not receive extra pay during the three-year or five-year period that generally serves as the basis for the retirement calculations. When each petitioner retires, his or her final retirement system will need to conduct a new analysis of the petitioner’s regular compensation, correcting any earlier mistakes or misstatements. *See Clothier v. Teachers’ Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010); *Hunter v. Contributory Ret. Appeal Bd.*, 80 Mass. App. Ct. 257, 263 (2011).

In light of the foregoing considerations, a prior order invited the parties to be heard on whether these appeals should be dismissed for lack of jurisdiction or failure to state a claim. The parties have responded jointly that they “have no objection” to the appeals being dismissed. Accordingly, it is hereby ORDERED that:

1. These appeals are SEVERED from the consolidated proceeding being conducted under the lead docket *Kelley v. Boston Retirement System*, No. CR-25-0687.

2. The appeals are DISMISSED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals