

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Tina Platt,
Petitioner,

Docket Nos.: CR-22-0481, CR-25-0208

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Matthew M. Aspden, Esq., Matthew W. Aspden, II, Esq.

For Respondent: Brendan E. McGough, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioner worked in a correctional facility. After she suffered a heart attack, the petitioner applied to retire for accidental disability, citing the heart law, G.L. c. 32, § 94. The respondent board properly denied the application, because the petitioner's evidence, taken as unrebutted and believed, did not establish that her preemployment physical examination "failed to reveal any evidence of [a heart] condition." *Id.*

DECISION

These are consolidated appeals from two decisions of respondent the State Board of Retirement (board) about the entitlements of petitioner Tina Platt. The decision challenged in appeal number CR-22-0481 declined to assign Ms. Platt to group 2 under G.L. c. 32, § 3(2)(g). The decision challenged in appeal number CR-25-0208 denied Ms. Platt's application to retire for accidental disability. I held a hearing on December 18, 2025, at which Ms. Platt was the only witness. I admitted into evidence exhibits marked 1-15.

Findings of Fact

I find the following facts.

1. Ms. Platt began her professional career in approximately 1980. She worked at a state prison, then in a probation office, and then as a teaching assistant in a school system.

(Testimony.)

2. In 2008, Ms. Platt applied for job with the Bristol County Sheriff's Office. She underwent a preemployment exam. On the only surviving written record of the exam, a checkbox indicates that Ms. Platt was found "able to perform the job without accommodations." No additional details appear on the document. Neither Ms. Platt nor any other witnesses have testified about the exam's contents or findings. Ms. Platt got the job and began working at a juvenile detention facility. (Testimony; exhibits 8, 9.)

3. In 2012, Ms. Platt was transferred to the Bristol County House of Correction. Her primary assignment there was to take arriving inmates through an intake process. To begin each intake, Ms. Platt escorted an inmate from a holding cell to a booking room. She interviewed the inmate to collect and log personal information, including any gang affiliations or acute mental health issues. Ms. Platt operated and guided the inmate through a series of scanning machines: a fingerprint scanner, an iris scanner, and a contraband-detecting full-body scanner. She photographed the inmate, including each of the inmate's tattoos. She then escorted the inmate: to a telephone, where the inmate made one call; to the nurse's office, where the inmate underwent a preliminary visit; and to the "property" room, where the inmate received prison clothing. (Testimony; exhibit 1.)

4. Throughout the intake process, Ms. Platt stood two or three feet away from the inmate, acting as the inmate's only supervisor. The inmate was expected to obey Ms. Platt's instructions and to go nowhere without her permission. Ms. Platt wore a uniform and a badge.

She carried a radio at all times, so that she could call for backup in case of emergencies. She received the same training as the prison's correction officers; the topics covered included combat techniques, defensive tactics, handcuffing, correctional policies, and indicia of gang affiliations. (Testimony.)

5. On February 8, 2022, a serious fight broke out at the prison. Radio traffic was tense. At some point during the day, Ms. Platt began to feel ill. Her husband collected her from the prison and drove her to the hospital. She was diagnosed with a heart attack and admitted for treatment. During the preceding weeks, Ms. Platt had been prescribed a cholesterol medication and a beta-blocker, but otherwise she had not experienced issues with her cardiovascular health. (Testimony; exhibits 4, 10-13.)

6. In July 2022, Ms. Platt asked the board to be classified in group 2 for retirement purposes under G.L. c. 32, § 3(2)(g). When the board declined, Ms. Platt timely filed appeal number CR-22-0481. (Testimony; exhibits 1-3.)

7. In October 2022, Ms. Platt applied to retire for accidental disability, describing her diagnosis as a "heart attack." A handwritten note on her application form said: "Heart Presumption." In a supporting form, Ms. Platt's cardiologist checked a box to identify the disability as based on a "presumption"; he completed the portions of the form titled "Causation With Presumptions." In March 2025, the board denied Ms. Platt's application, reasoning that she had not "submit[ted] a preemployment physical examination that fail[ed] to reveal evidence of a pre-existing heart condition." Ms. Platt timely filed appeal number CR-25-0208. (Testimony; exhibits 5-7, 13.)

8. After the evidentiary hearing, the board reconsidered its position in part and assigned Ms. Platt to group 2. The board then filed a motion to dismiss appeal number CR-22-0481, which Ms. Platt has not opposed. (Administrative record.)

Analysis

The retirement benefits of a Massachusetts public employee depend in part on the employee's "group" assignment under G.L. c. 32, § 3(2)(g), and on the applicable retirement-authorizing provision. This case implicates both factors.

I. Group Classification

The public retirement law classifies all employees into groups numbered 1-4. See G.L. c. 32, § 3(2)(g). Employees in groups 2-4 are eligible to reach their maximum benefit amounts at an earlier age. *Id.* § 5(2)(a). The overarching purpose of this arrangement is to "provid[e] early retirement incentive to employees with hazardous duties." *Pysz v. Contributory Ret. Appeal Bd.*, 403 Mass. 514, 518 (1988).

The employees assigned to group 2 include those "whose regular and major duties require them to have the care, custody, instruction or other supervision of prisoners." § 3(2)(g). In the correctional context, the term "custody" revolves around control over the freedom of movement of detained or incarcerated people. Prototypical indicia of correctional custody include providing inmates with mandatory instructions, physically restraining their movements, delivering them from one location to another, and opening or closing locked doors and gates. As a rough generalization, employees have custody of inmates when they are responsible for keeping the inmates compliantly incarcerated. See *McGlory v. State Bd. of Ret.*,

No. CR-24-252, 2025 WL 3127153, at *3 (Div. Admin. Law App. Oct. 31, 2025); *Long v. State Bd. of Ret.*, No. CR-21-616, 2024 WL 1486094, at *4-5 (Div. Admin. Law App. Mar. 29, 2024).

Ms. Platt’s job required her to have custody of prisoners, one incoming inmate at a time. She told the inmates she was processing what to do and where to go. She physically escorted them from one station of the intake process to the next. She was the prison employee responsible for keeping these inmates in the right place and on the right task. If the inmates were interested in escaping or rebelling, Ms. Platt was the first staff member they would need to overpower or evade. It is true that Ms. Platt discharged certain “clerical” or “administrative” duties, such as logging information about the incoming inmates into the prison’s systems. *Cf. Perry v. Bristol Cty. Ret. Bd.*, No. CR-07-422 (Div. Admin. Law App. Mar. 13, 2009, *aff’d*, Contributory Ret. App. Bd. Nov. 3, 2009). But custodial and administrative duties often coexist. Custody at a prison continues to be maintained nonstop even while other tasks and events occur. *See McGlory*, 2025 WL 3127153, at *3; *Jameson v. State Bd. of Ret.*, No. CR-17-960, at *17 (Div. Admin. Law App. June 3, 2022).

The foregoing analysis now reflects the views of both parties. With respect to Ms. Platt’s group classification, no “actual controversy” remains to be adjudicated. *Fannie Mae v. Branch*, 494 Mass. 343, 347 (2024). Ms. Platt’s first appeal, number CR-22-0481, is therefore dismissible as moot. *Id.*

II. Accidental Disability

Retirement for accidental disability under G.L. c. 32, § 7, offers especially generous benefits to qualifying employees. *See Murphy v. Contributory Ret. Appeal Bd.*, 463 Mass. 333, 347 (2012). An applicant for those benefits must prove three essential elements: that she is

“unable to perform the essential duties of [her] job,” that the disability “is likely to be permanent,” and that the disability was caused by an injury or hazard that the applicant sustained “as a result of, and while in the performance of, [her] duties at some definite place and at some definite time.” § 7(1).

With respect to the third of the three elements, i.e., causation, a special rule applies to certain public-safety employees with cardiovascular conditions. The rule is prescribed by the heart law, G.L. c. 32, § 94. The individuals covered by that provision include “any employee in . . . a county correctional facility whose regular or incidental duties require the care, supervision or custody of prisoners.” *Id.* The parties agree that Ms. Platt is within this category.

The advantage that the heart law offers to covered employees is that:

any condition of impairment of health caused by hypertension or heart disease . . . shall, if [the employee] successfully passed a physical examination on entry into . . . service . . . which examination failed to reveal any evidence of such condition, be presumed to have been suffered in the line of duty, unless the contrary be shown by competent evidence.

§ 94. Otherwise put, when a member meets the heart law’s prerequisites, a rebuttable presumption arises that a work-related injury or hazard caused the member’s cardiovascular disease. *See Williams v. Norfolk Cty. Ret. Bd.*, No. CR-03-556, at *3 (Contributory Ret. Appeal Bd. Dec. 23, 2004, *same case*, Contributory Ret. Appeal Bd. Apr. 2, 2007).

In order to actually receive benefits under G.L. c. 32, § 7, Ms. Platt would need to prove the section’s elements—with or without the help of the heart law—by a preponderance of the evidence. *See Lisbon v. Contributory Ret. Appeal Bd.*, 41 Mass. App. Ct. 246, 255 (1996). At the current juncture, Ms. Platt does not claim to have carried that burden. Her argument is more modest: namely, that her application deserved to be evaluated by a regional medical panel.

Section 7 itself may be read as envisioning that all applications invoking it will go before a medical panel. But a binding regulation allows applications to be denied at any stage if “the member cannot be retired as a matter of law.” 840 C.M.R. § 10.09(2). Under this standard, a panel must be convened before the board can tackle any questions “of fact.” See *Irvin v. Boston Ret. Syst.*, No. CR-24-472, 2024 WL 4345198, at *1 n.1 (Div. Admin. Law App. Sept. 13, 2024). But the board may dispense with the panel’s input when the applicant’s own averments and other evidence, taken as “unrebutted and believed,” would not “allow a factfinder to conclude that [the applicant] is entitled to accidental disability retirement benefits.” *Hickey v. Medford Ret. Bd.*, No. CR-08-380, 2012 WL 13406342, at *2 (Contributory Ret. App. Bd. Feb. 16, 2012).

With this forgiving standard applied, the board properly declined to convene a medical panel. The problem for Ms. Platt is that the heart law makes two separate demands about the member’s preemployment physical: the member is required to have “successfully passed” the exam; and the exam also must have “failed to reveal any evidence of [a heart] condition.” G.L. c. 32, § 94. What’s more, the case law has read the phrase “any evidence” literally. In a leading case, the preemployment examiner characterized the member as “definitely not an employment risk,” but took one high blood pressure reading. A panel of the Appeals Court concluded that the member was not entitled to the heart law’s presumption, because:

The word “any” is clear and unequivocal. It is undisputed that there was evidence of hypertension on plaintiff’s pre-employment examination. . . . The question . . . is . . . whether the preemployment physical . . . revealed any evidence of hypertension.

Sullivan v. Contributory Ret. Appeal Bd., 61 Mass. App. Ct. 1106 (2004) (unpublished memorandum opinion). See also *Cabral v. Fall River Ret. Bd.*, No. CR-15-673, at *18 (Div.

Admin. Law App. June 5, 2020); *Shailor v. Bristol Cty. Ret. Bd.*, No. CR-21-343, 2024 WL 4491674, at *3 (Div. Admin. Law App. Aug. 16, 2024).

Ms. Platt has established for present purposes that she successfully passed her preemployment physical. But that could mean *either* that the exam identified no evidence of heart disease *or* that the signs of heart disease found there were not disqualifying. Ms. Platt does not claim to know which scenario occurred; she does not say anything about what the examiner did or didn't find. Neither do any other record testimony or documents.¹ All in all, Ms. Platt's evidence, taken as believed and unrebutted, is incapable of supporting the inference that her preemployment exam failed to reveal "any evidence" of heart disease.

The public-safety workers whose cases the heart law intends to support are also permitted to pursue accidental disability retirement without the benefit of the statutory presumption. The board says plainly that it has yet to consider any non-heart-law-reliant § 7 application from Ms. Platt. To date, the board has not received such an application: The papers prepared by Ms. Platt herself and by her treating physician both described the application as arising under the heart law. And in response to a targeted inquiry on appeal, Ms. Platt wrote through counsel: "The petitioner . . . intended her application for Accidental Disability Retirement benefits to be processed under the Heart Law." On the basis of the case as presented, there was no error in the board's decision to deny Ms. Platt's application without convening a medical panel.

¹ No record evidence addresses the frequency or rarity of preemployment physicals being "successful" despite some evidence of heart disease.

Conclusion and Order

Appeal number CR-22-0481, concerning the board's now-superseded refusal to assign Ms. Platt to group 2, is DISMISSED. In appeal number CR-25-0208, the board's denial of Ms. Platt's heart-law-based accidental disability retirement application is AFFIRMED.

Dated: February 20, 2026

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

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