

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Julie Potter,**  
Petitioner,

No. CR-25-0308

Dated: May 20, 2025

v.

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

**ORDER OF DISMISSAL**

This is an appeal from a decision of the Massachusetts Teachers' Retirement System (MTRS) excluding petitioner Julie Potter from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). A prior order directed Ms. Potter to show cause why the appeal should not be dismissed for failure to state a claim. Ms. Potter has filed a timely responsive memorandum and exhibits.

Retirement Plus came into effect in mid-2001. Ms. Potter was then already a teacher and an MTRS member. In order to participate in Retirement Plus, Ms. Potter was required to file an enrollment document during the first half of 2001. *See* Acts 2000, c. 114, § 2. She did not do so.

Ms. Potter explains in her papers that she moved from one residence to another during early 2001. She believes that, as a result, she did not receive paperwork about Retirement Plus from MTRS. But taken as true, these facts would not enable Ms. Potter to join Retirement Plus belatedly. The rules that govern participation in Retirement Plus were prescribed by the Legislature, whose statutes generally take effect as to all pertinent individuals, whether or not they were notified about the statutes on an individual basis. *See Awad v. Hampshire Cty. Ret. Bd.*, No. CR-08-621, 2014 WL 13121791, at \*3 (Contributory Ret. App. Bd. Dec. 19, 2014). The only potential exception to this rule in the context of Retirement Plus is not presented here.

*See In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023).<sup>1</sup>

The rules that govern Retirement Plus may generate unfortunate results. But administrative tribunals have no power to deviate from binding statutes. *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 446, 450-51 (2006). “[W]e must apply the law as written, even where the result may appear harsh.” *Roussin*, 2024 WL 2956657, at \*2. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

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<sup>1</sup> The exception concerns members who not only received no notice about Retirement Plus but *also* were “inactive” retirement-system members during the first half of 2001.