

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Ramesh Potturu,
Petitioner,

No. CR-22-0328

Dated: October 9, 2026

v.

State Board of Retirement,
Respondent

ORDER OF DISMISSAL

In August 2022, the State Board of Retirement (“the Board”) denied Mr. Potturu’s request to purchase prior creditable service on the ground that it had already denied a prior request to purchase that service in 2013. The Board also opined on the substance of his application and concluded, as it had in 2013, that he was not entitled to purchase the service at issue. Mr. Potturu appealed that 2022 second denial.

In view of the grounds asserted by the Board in its 2022 denial, I ordered Mr. Potturu to “provide sufficient evidence” that the Board was obliged to consider his second application, that this Division has jurisdiction to hear his appeal, and that he is entitled to purchase the prior service.¹ Mr. Potturu filed a response containing evidence, argument, and factual assertions

¹ The Contributory Retirement Appeal Board has recently observed that a petitioner does not need to provide *evidence* to avoid dismissal for failure to state a claim upon which relief may be granted. *Wollons v. State Bd. of Ret.*, 23-CR-0610, at 3 n.8 (Contrib. Ret. App. Bd. Sept. 3, 2026). This appeal is dismissed for lack of jurisdiction, not a failure to state a claim upon which relief may be granted. Nevertheless, when considering a “jurisdictional motion to dismiss, the leading approach is for the tribunal to take the plaintiff’s or petitioner’s pleadings and evidence as true.” *Order, Mr. Home, Inc., et. al. v. Office of the Attorney General, Fair Labor Division*, 25-LB-0511, 2024 WL 4527809, at *1 (Div. Admin. Law App. Oct. 8, 2024). Consistent with that approach, the dismissal here does not rest on lack of evidence, but rather

regarding his entitlement to purchase his prior service. Mr. Potturu's response did not address whether the Board was required to entertain his second request or whether this Division has jurisdiction to consider his appeal from the Board's 2022 denial.

For the reasons set forth below, I conclude that this Division does not have the jurisdiction to consider the present appeal. For that reason, I do not reach the merits of any other issue.

The 2013 denial of Mr. Potturu's first application is not before this Division because he did not file an appeal from that denial.

Nor may this Division consider the 2022 denial of Mr. Potturu's second application. The denial of a second application is not an appealable event if it merely repackages an application that has already been denied. *Sanphy v. Mass. Teachers' Ret. Sys.*, CR-11-0510, at *4 (Contrib. Ret. App. Bd. March 29, 2013) (citations omitted); *see also Lospennato v. State Bd. of Ret.*, CR-08-614, at 8 (Div. Admin. Law App. June 15, 2012) ("A retirement board's review of a matter that it has previously decided does not necessarily constitute a new action from which there is a statutory right of appeal, especially where, as here, the Petitioner has not presented any new evidence along with the second request.") (citations omitted). Were the rule otherwise, a petitioner could revive an otherwise time-barred appeal and circumvent the jurisdictional rules by simply filing his or her application a second time.

There is some support in the decisional law that an appeal may lie from the denial of a second application if that second application presents new evidence. *See, e.g., Order, Sullivan*

the absence of any factual allegations or argument that, if credited, would justify the exercise of jurisdiction in this appeal.

v. Mass. Teachers' Ret. Sys., CR-21-0200, at 2-3 (Div. Admin. Law App. Oct. 3, 2022) (citations omitted).² In such a case, an appeal from the second application would arguably not constitute an impermissible end-run around jurisdictional requirements.

I need not consider that possibility here because Mr. Potturu did not present new evidence to the Board in his second application. Instead, he pointed out that the Board's 2013 denial letter referred to the "Department of Mental Health," whereas it should have referred to the "Department of Transitional Assistance" as the agency for which he performed work and that he later joined as regular employee. That correction is not new evidence and does not make his second application anything other than a repackaging of his first application, which had already been denied several years earlier in 2013.

Because no appeal lies from the August 2022 denial of the second application, this Division lacks jurisdiction to consider this matter. Accordingly, this appeal is dismissed.

Division of Administrative Law Appeals

/s/ Timothy M. Pomarole

Timothy M. Pomarole

Administrative Magistrate

² The order in *Sullivan* also discussed the possibility that the denial of a second application, even if it did not present new evidence, could be appealable as a de facto denial of a request for reconsideration. *Sullivan, supra*, at 3 (citations omitted). That said, the scope of the resulting review would be narrow: whether the Board abused its discretion in declining to reconsider the earlier denial. *Id.* (citations omitted). Assuming I had jurisdiction here to consider that narrow question, I would still order dismissal because the record before me does not permit me to conclude that the Board abused its discretion in declining to reconsider its earlier denial. As noted in what follows, Mr. Potturu's second application to the Board, which was made years after its first denial, identifies a mistake in the Board's 2013 denial letter, but does not provide reason to conclude that it reached the wrong result.