

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Stuart H. Primus,
Petitioner

v.

Docket No. CR-20-0432
Date: October 24, 2025

State Board of Retirement,
Respondent

Appearance for Petitioner:

Timothy J. Smyth, Esq.

Appearance for Respondent:

Jennifer J. Hunt, Esq.

Administrative Magistrate:

Kenneth J. Forton

SUMMARY

Petitioner, an Institutional Security Officer at UMass Boston, claims that his diagnosed anxiety and PTSD were caused by the way his work superiors treated him. The retirement board denied his application for accidental disability retirement benefits because all of the events on which Petitioner based his application occurred more than two years before he filed it. His position *is not* in Group 2, 3 or 4, and he *is* covered by workers' compensation and is therefore not entitled to the exceptions to the timely filing rule in G.L. c. 32, § 7(3). Moreover, even if his application was not time-barred, shoddy treatment by a superior and rough treatment in a discipline hearing for failing to fill out standard forms explaining his tardiness do not constitute "personal injuries" because they were bona fide personnel actions and did not rise to the level of intentional infliction of emotional distress. The same actions also do not meet the definition of a "hazard" because they were not an identifiable condition that is not common and necessary to all or a great many occupations.

DECISION

Petitioner Stuart H. Primus appeals from Respondent State Board of Retirement's October 13, 2020, denial of his application for accidental disability retirement as a matter of law. On August 30, 2024, the parties submitted a joint pre-hearing memorandum and 14 agreed upon exhibits. The Petitioner submitted an additional proposed exhibit. I held a hearing via WebEx on September 2, 2025. I entered the 15 proposed exhibits into evidence. (Exs. 1-15.) Mr. Primus testified on his own behalf. The Board called no witnesses. After the hearing, I admitted an additional exhibit into evidence: UMass Boston Workers' Compensation Policy, dated September 24, 2013. (Ex. 16.) The parties submitted closing briefs.

FINDINGS OF FACT

Based on the testimony and documents in evidence, I make the following findings of fact:

1. Stuart H. Primus began his employment with UMass Boston as an Institutional Security Officer III in the Department of Public Safety on November 29, 2015. (Testimony; Ex. 1.)
2. During the relevant period, Mr. Primus worked at UMass on the 3:30 p.m. to 11:00 p.m. shift. He concurrently worked two other jobs, as well. He was a Vice Principal intern in the Fall River Public Schools from 8:00 a.m. to 2:15 p.m. for part of the time he was employed at UMass Boston. Then, on some Sundays, he had a security position at Gillette Stadium for Patriots games. (Testimony.)

3. Mr. Primus's primary job duty was conducting building and campus checks to make sure doors were locked. He estimated that he would walk 8 miles a day. The general summary of the position states that Institutional Security Officers are responsible for patrolling an assigned area, making periodic rounds and security checks of buildings and grounds, conducting surveillance of assigned areas, preparing and reviewing a variety of information-gathering forms and reports, providing direction and general information to the public, and performing related work as required.

(Testimony; Exs. 4, 7.)

4. Mr. Primus wore a uniform, but he did not carry a firearm, mace or a baton at work. He carried only a radio. He did not have the power to arrest anyone, conduct an investigation, or take evidence. (Testimony.)

5. Mr. Primus worked with fellow Institutional Security Officers, but he also worked with UMass Boston police officers who had the same police powers as a typical state or municipal police officer. (Testimony; *see also* G.L. c. 75, § 32A.)

6. Almost from the start, Mr. Primus reported difficulties at work. He felt persecuted and treated differently because he filed a number of reports addressing behavior either that he did not like or that he thought violated work rules. For example, he submitted a report accusing security guards of trying to get him fired, one alleging he was given the wrong code to put a parking ticket on a car, and another suggesting campus police officers did not respond when he asked for back-up to control a student incident. He also claimed that generally patrol officers did not communicate with him and ignored him. (Testimony; Ex. 4.)

7. On April 4, 2017, Mr. Primus was approximately 10 minutes late for his shift. Sgt. William T. Ryerson, Jr. asked Mr. Primus to fill out a “DPS form 111” explaining why he was late. Mr. Primus replied that Sgt. Ryerson and Lt. Lorenza E. Hill could contact his union representative if they had any questions about his tardiness. Sgt. Ryerson then informed Mr. Primus that filling out the form was a direct order. Mr. Primus did not fill out the form by the end of his shift. (Ex. 10.)

8. On April 4, 2017, later that day, Mr. Primus requested that a union representative meet with his superiors to address his feeling that he was being treated differently than the other officers. (Ex. 4.)

9. On April 5, 2017, Mr. Primus was summoned to the police office by Lt. Hill to explain why he “refused to submit a written explanation, a DPS form 111, as to why he was late for his tour of duty on 04/04/2017.” (Ex. 10.)

10. Mr. Primus was escorted by Lt. Hill and Lt. Paul M. Arnstein, who were armed because they were police officers, into an office and was ordered to sit down. Mr. Primus explained that he was yelled at and physically intimidated by other officers and felt he was being treated like a criminal. He said he requested union representation, but the officers said a representative “can’t help [him] now.” The door was closed during this exchange. (Exs. 4, 10.)

11. Lt. Hill reported that when he asked Mr. Primus why he did not submit a written explanation for being late, he replied that it was because Sgt. Ryerson said “I don’t know” when Mr. Primus asked for an explanation of what the DPS form 111 was. After Lt. Hill explained what the form was, Mr. Primus reportedly replied “what, for the

one minute?” Mr. Primus claimed that he was not notified by Sgt. Ryerson that filling out the form was a direct order by Lt. Hill. (Ex. 10.)

12. Mr. Primus was then taken to another room, where two additional officers were present. Mr. Primus alleges he was “further degraded,” and felt that his life was in danger. (Ex. 4.)

13. Lt. Hill reported that Mr. Primus was taken to the police office to access a department computer to fill out the DPS form 111. Lt. Hill reported that Mr. Primus explained to the officers that there was a state law that allowed him to be 10 minutes late and a department-wide email was sent out that shared this sentiment. Lt. Hill requested the email, and Mr. Primus replied, “I’ll get it to you.” Lt. Hill told Mr. Primus that if he did not provide him with the email, it would be considered insubordination. Mr. Primus refused to provide the email. Lt. Hill then asked the two other officers present, Officer Shawn M. Powers and Officer Eric Giordano, if they had received this email and they responded they had not. (Ex. 10.)

14. After the exchange over the alleged e-mail, Mr. Primus was suspended for insubordination. He was required to return his credentials, radio, badge, and ticket book “on the spot.” However, Lt. Hill reported that Mr. Primus refused to turn in his badge. Lt. Arnstein stated that Mr. Primus asked for a written report about their meeting immediately, Lt. Hill said this was not possible, and Mr. Primus responded, “you can refuse now, but I can’t?” Lt. Hill replied, “yes.” (Exs. 1, 4, 10.)

15. Mr. Primus was suspended for violating the policy that “university employees are expected to be honest and conduct themselves in ways that accord

respect to themselves and others.” UMass Boston stated he violated this policy by falsely stating to Lt. Hill that Sgt. Ryerson told him that he was unaware of DPS form 111 and claiming there was a state law and a department-wide email that allowed him to be 10 minutes late. UMass Boston also concluded that Mr. Primus violated the policy that “members will not fail [to] or deliberately refuse to obey a lawful order issued by a supervisor,” by refusing to submit the DPS 111 form, not producing the email that excused tardiness, and refusing to turn in his badge. (Ex. 10.)

16. Mr. Primus did not return to work after the April 5, 2017, incident. (Ex. 4.)

17. On April 6, 2017, Mr. Primus received a notice to appear for an interview at UMass Boston regarding his performance. The letter notified him that the April 5, 2017 incident was under review and an interview was scheduled for April 13, 2017. (Ex. 13.)

18. On April 7, 2017, Mr. Primus filed a grievance form. It alleged that he was “subjected to extreme discipline, including over a week-long paid suspension, the loss of his work equipment, [and] humiliating treatment in front of other employees.” It also stated that this “discipline is part of ongoing retaliation from Lieutenant Lorenza Hill towards Mr. Primus for contractually appropriate use of time and for grieving an earlier, related matter and other union activities.” The requested remedy was to be “treated with respect in the workplace, not subjected to non-contractual forms and demands, and the grievant and union otherwise made whole.” (Ex. 15.)

19. On April 22, 2017, Mr. Primus received medical treatment at the MetroWest Medical Center. He was diagnosed with “hypertension, uncontrolled, and chest discomfort, atypical.” Mr. Primus claims this is when he ceased to be able to perform his essential duties. (Ex. 4.)

20. Mr. Primus was hospitalized from April 22, 2017, through April 24, 2017, for chest pain and high blood pressure. (Ex. 12.)

21. Mr. Primus applied for and received Family Medical Leave (FMLA) from April 22, 2017, to May 24, 2017. He received two extensions, remaining on leave until October 1, 2017. (Ex. 8.)

22. Dr. Deborah Riester filled out the certification for the FMLA application. She listed the following conditions: “CP, anxiety, and HTN.” She noted that he had been hospitalized and stayed there for three nights. She stated that his condition commenced on April 1, 2017 and opined that he would be unable to work until August 1, 2017. (Ex. 11.)

23. On August 1, 2017, Mr. Primus submitted a sick leave bank application. He stated his last day of work was April 19, 2017, and he was expected to return October 1, 2017. The nature of his illness was listed as “4/22/17- hospitalized for 3 days: chest pain, SOB, BP 191/120, was working nights and weekends; anxiety; renal insufficiency; Thrombocytopenia.” Dr. Riester filled out the physician part of the application, noting his conditions as “HTN, renal insufficiency, Thrombocytopenia.” She opined he wouldn’t be able to return to work for two months. (Ex. 12.)

24. Mr. Primus began seeing a counselor, Rodney Ford, who first diagnosed him with post-traumatic stress disorder (PTSD). (Exs. 4, 5, 6.)

25. On August 28, 2019, Mr. Primus saw Dr. Riester, who listed his diagnoses as metabolic syndrome, hypertensive disorder, renal insufficiency, PTSD, depressive disorder, anxiety, chest pain, and night sweats. For Mr. Primus's depressive disorder, she suggested starting Prozac, an antidepressant, and that he continue seeing his counselor. (Ex. 6.)

26. On September 25, 2019, Mr. Primus again saw Dr. Riester. She noted his anxiety, depressive disorder, and PTSD. She recommended continuing the current management plan, but to follow up if symptoms persisted. (Ex. 6.)

27. On December 20, 2019, Mr. Primus applied for accidental disability retirement based on disabling PTSD, anxiety, and hypertension. The claimed cause of the disability was a workplace hazard that continued for his entire employment. However, Mr. Primus also listed several specific incidents of maltreatment. (Ex. 4.)

28. In the application, Mr. Primus alleged that he was consistently harassed, retaliated against, and subjected to a hostile work environment. He stated that other officers said demeaning, racist comments to him because he had reported the other incidents at work. He explained that he had "never been treated this badly in [his] entire career." (Ex. 4.)

29. Describing the incidents or hazards that caused his disability, Mr. Primus explained that in December 2015 he was informed that his assignment was changed from day shift to evening shift and was threatened with termination if he said anything

about the change. Throughout 2016, he claimed he was “constantly harassed, retaliated against, and subjected to a hostile environment, culminating in 2017 when [he] was detained by two armed police officers behind closed doors in Lt. Hill’s office. Causing massive stress and anxiety.” Mr. Primus also reported that in 2016 he was not provided timely, sufficient backup as retaliation for a report he had filed. (Ex. 4.)

30. The contemporaneous UMass Boston workers’ compensation policy provides: “Anyone who is currently being paid on the University of Massachusetts Boston payroll is an employee and so is covered by Workers’ Compensation Insurance.” Mr. Primus did not make a workers’ compensation claim for any of the incidents he cited in his accidental disability retirement application. (Ex. 16; Testimony.)

31. Dr. Riester submitted a treating physician’s statement opining that Mr. Primus was last able to perform his essential duties in April 2017. She listed his medical diagnoses as PTSD, anxiety, and depression. She explained that Mr. Primus felt like he was being treated unfairly at work and that the other officers retaliated against him. Dr. Riester noted that Mr. Primus had no prior history of depression or anxiety. (Ex. 6.)

32. In her addendum to the treating physician’s statement, Dr. Riester stated that Mr. Primus’s job was characterized by constant harassment. She wrote that other officers did not respond quickly when Mr. Primus asked for assistance, they gave him incorrect codes to complete paperwork, and this culminated in the event where the officers “detained him in a room where others had guns.” (Ex. 6.)

33. Dr. David S. Young submitted an additional treating physician’s statement. His medical specialty was cardiovascular disease. He diagnosed Mr. Primus

with situational anxiety, PTSD, hypertension, anxiety, chest pain, and sinusitis. He stated that Mr. Primus lost his ability to perform his essential job duties in April 2017. (Ex. 5.)

34. Dr. Young's physician statement did not offer an opinion on causation. Instead, he answered the questions required for claims under the Heart Law Presumption. (Ex. 5.)

35. Lori Sullivan of UMass Human Resources filled out the employer's statement pertaining to Mr. Primus's application. She stated that Mr. Primus was last able to perform his essential job duties on May 23, 2017 (the original end-date of his first round of FMLA benefits) and said this was the last day he worked. She checked "yes" when asked if there were any requirements for the job that the applicant could not perform because of his claimed disability. (Ex. 7.)

36. Ms. Sullivan additionally stated that Mr. Primus had filed a complaint with the Massachusetts Commission Against Discrimination, but that UMass Boston had prevailed. She also stated that he filed a grievance form through the classified staff union, but the issue was never heard because Mr. Primus went on leave. (Testimony; Ex. 7.)

37. Ms. Sullivan noted that Mr. Primus did not file an incident report for a work-related injury and that the medical documentation in his medical file stated only that he had hypertension. (Ex. 7.)

38. On October 13, 2020, the Board notified Mr. Primus that it was denying his application based on PTSD, anxiety, and hypertension for three reasons. First, it was

time-barred, and he did not qualify for any of the exceptions to the timely filing requirements. Second, the hypertension claim was submitted under the Heart Law, but that law does not apply to police officers at the University of Massachusetts. Finally, the injuries that he complained of arose from bona fide personnel actions and/or were essentially failures to get along with his co-workers. (Ex. 1.)

39. Mr. Primus does not contest the Board's denial of his hypertension claim. (Testimony.)

40. On October 21, 2020, Mr. Primus timely appealed the remainder of the Board's decision and now presses only the anxiety and PTSD claims. (Ex. 2.)

CONCLUSION AND ORDER

Mr. Primus seeks accidental disability retirement, which requires that an applicant be found mentally or physically incapacitated; that this incapacity is likely to be permanent; and that the incapacity was the natural or proximate result of an accident or hazard undergone. G.L. c. 32, § 7.

The Board denied Mr. Primus's accidental disability retirement application as a matter of law (before he was examined by a medical panel). G.L. c. 32, § 7; 840 CMR 10.09(2) ("At any stage of a proceeding on an ordinary or accidental disability retirement application the retirement board may terminate the proceeding and deny the application if it determines that the member cannot be retired as a matter of law.").

There are two reasons that the Board now argues Mr. Primus is not entitled to accidental disability retirement.¹ First, the Board contends that the application is time-barred because the events on which it is based occurred more than two years before the date of the application and none of the exceptions to the two-year bar apply. Finally, it argues that Mr. Primus has not based his claim on a cognizable personal injury or hazard.

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The first live dispute is over whether Mr. Primus has satisfied the timeliness and notice requirements at G.L. c. 32, §§ 7(1) and (3). Section 7(1) provides, in pertinent part:

Except as provided for in subdivision (3) of this section, no such retirement shall be allowed unless such injury was sustained or such hazard was undergone *within two years prior to the filing of such application* or, if occurring earlier, *unless written notice thereof was filed with the board by such member or in his behalf within ninety days after its occurrence.*

(Emphasis added.) Section 7(3) provides:

Lapse of time or failure to file notice of an injury sustained or a hazard undergone as provided for in subdivision (1) of this section . . . shall not be a bar to proceedings . . . if such member received payments on account of such injury or hazard under the provisions of chapter one hundred and fifty-two or *in case he was classified in Group 2, Group 3 or Group 4 and not subject to the provisions of chapter one hundred and fifty-two, if a record of such injury sustained or hazard undergone is on file in the official records of his department.*

¹ Mr. Primus filed his claim based on hypertension under the Heart Law presumption. That presumption does not apply to him because UMass police and security are not covered by the Heart Law. Mr. Primus has conceded that he is not entitled to the Heart Law presumption and has consequently abandoned the claim based on hypertension.

(Emphasis added.)

Mr. Primus's accidental disability retirement application was filed on December 20, 2019, which is more than two years after his last day of work on April 5, 2017, and he filed no injury reports. This means that, unless an exception applies, his application must be denied because the injury or hazard he relies on in his application did not occur within two years of filing for retirement. G.L. c. 32, § 7(1).

Mr. Primus argues that he was a member of Group 2 not subject to chapter 152, the workers' compensation law, and therefore an official departmental record of his injury or hazard undergone satisfies the notice requirement. There are numerous problems with this argument.

First, Mr. Primus *was not* in Group 2. See G.L. c. 32, § 3(2)(g). He asserts that he was Group 2 because he was "University of Massachusetts police." *Id.* He was not University of Massachusetts police; he was an Institutional Security Officer III. UMass police are appointed and sworn under G.L. c. 75, § 32A. UMass Police undergo training at a full Massachusetts police academy. They have full police powers, carry firearms, enforce criminal laws, conduct investigations, and work closely with local and state police. *Id.* In short, they are actual police. Institutional Security Officers, on the other hand, are not sworn police officers. They do not have arrest powers, nor can they investigate crimes and seize evidence. They are essentially security guards issued a badge, identification, and a radio who monitor campus buildings and report what they see. They undergo intra-department training only. Mr. Primus worked with UMass police, but he was not a police officer himself. He does not qualify for Group 3 (state

police) or Group 4 (municipal police) either. G.L. c. 32, § 3(2)(g). He is therefore Group 1 (“all others not otherwise classified”). *Id.*

Next, he was subject to the workers’ compensation law, G.L. c. 152. Workers’ compensation covers the vast majority of Massachusetts workers. *See generally* G.L. c. 152, § 25A. Mr. Primus went to some lengths to ascertain whether he was covered by workers’ compensation. After several emails with UMass human resources, he could not get a straight answer. This led him to argue in his closing brief that the burden of production on this issue should then shift to the Board. Perhaps anticipating this argument, the Board’s closing brief cited the contemporaneous UMass workers’ compensation policy, which is readily available online. I have entered the policy into evidence as Exhibit 16. After a review of the policy, it is difficult for me to understand the university’s reluctance to answer the question, as the policy directly states that it covers any employee on the UMass Boston payroll, which includes Mr. Primus.^{2,3}

Finally, even if he were Group 2 and not covered by workers’ compensation, there are significant problems with the “official records” that he relies on to stand in for

² DALA has considered other accidental disability retirement claims by university police; they were also covered by workers’ compensation. *See, e.g., Hamm v. State Bd. of Ret.*, CR-17-886 (Div. Admin. L. App. Oct. 25, 2019) (UMass Lowell police officer who injured her shoulder received workers’ compensation benefits).

³ One possible reason for the university’s reluctance to answer is that UMass police and other university police have been pushing hard for coverage under the injured-on-duty law, G.L. c. 41, § 111F, but have not yet achieved their goal. Section 111F covers only police officers or fire fighters of a city, town, or fire or water district and other miscellaneous positions not applicable to Mr. Primus. *Id.* As of this date, and certainly while Mr. Primus was working, not even UMass police were covered under § 111F, much less Institutional Security Officers. *See* H. 2950 (2025-26); H. 2647 (2023-24); H. 2765 (2021-22); H. 2230 (2019-20); S. 1754 (2021-22); S.D. 594 (2023-24).

notice: his FMLA benefits application and approval form, his sick leave bank application, and the grievance form he filed. None of these forms explains the injury or hazard that Mr. Primus claims to have undergone. The purpose of the notice of injury provision, “is to ensure that the public employer was alerted to any alleged injury and had an opportunity to make a contemporaneous investigation,” meaning the forms Mr. Primus relies on must at least reference how the injury or hazard occurred. *Simonelli v. Malden Ret. Bd.*, CR 16 224, at *17 (DALA Jan. 12, 2018). The papers he relies on do not meet this requirement.

For all of these reasons, Mr. Primus’s application is time-barred.

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Even if Mr. Primus’s application was not time-barred, his application would still fail because the incidents that he claims injured him are not recognized as valid bases for accidental disability retirement. “To be compensable, the harm must arise either from a specific incident or series of incidents at work, or from an identifiable condition that is not common and necessary to all or a great many occupations.” *Kelly’s Case*, 394 Mass. 684, 688 (1985), *quoting Zerofski’s Case*, 385 Mass. 590, 594-95 (1982). For the reasons explained below, the Board’s denial of his application for accidental disability retirement as a matter of law must be affirmed.

A

Although Mr. Primus listed only the hazard theory in his application, I also consider his claim under the personal injury theory because he has cited several specific

incidents that caused his anxiety and PTSD, focusing mostly on the April 5, 2017 meeting in Lt. Hill's office.

Mr. Primus's injuries, PTSD and anxiety, are "mental" injuries. "Although the term 'personal injury' is not defined in the retirement statute, Massachusetts appellate courts consistently have interpreted the meaning of 'personal injury' in accordance with G.L. c. 152, the workers' compensation statute." *Murphy v. Contributory Ret. App. Bd.*, 463 Mass. 333, 346 (2012) (citations omitted). G.L. c. 152, § 1(7A), states in relevant part that no mental or emotional disabilities arising out of "a bona fide, personnel action . . . except such action which is the intentional infliction of emotional harm shall be deemed to be a personal injury." *Id.*

For the reasons set forth below, the events Mr. Primus describes were bona fide personnel actions and did not constitute intentional infliction of emotional distress. G.L. c. 152, § 1(7A); *see Horgan v. Contributory Ret. App. Bd.*, 57 Mass. App. Ct. 1114, at *1 (2003) (Rule 1:28 decision).

Personnel actions, for the purposes of G.L. c. 152, § 1(7A) and, consequently, G.L. c. 32, are not limited to the actions listed in G.L. c. 152, § 1(7A), such as "transfer, promotion, demotion, or termination," which all "alter an employee's status or his employment relationship." *Upton's Case*, 84 Mass. App. Ct. 411, 414-16 (2013); *see Zavaglia*, 345 Mass. at 485-86. The Appeals Court has listed "supervisory criticism or questioning" as a further example of personnel actions because they support and often precede changes in an employee's status. *Upton's Case*, 84 Mass. App. Ct. at 414. The

supervisory questioning, scrutiny, and discipline Mr. Primus experienced are all personnel actions. *See id.*

I also conclude that the personnel actions were bona fide. “Bona fide means genuine or sincere and, in law, good faith.” *B.G. v. State Bd. of Ret.*, CR-20-0207, at *34 (Div. Admin. L. App. Oct. 8, 2021). Similar to the workers’ compensation law, where “the legislature intended that employers should be allowed to make legitimate efforts towards regulating the competence and integrity of their employees through good faith supervision without risking liability for workers’ compensation claims,” employers should enjoy similar protections in retirement cases. *Id.*

Mr. Primus disobeyed his supervisor’s instructions to fill out the DPS 111 form explaining why he was late for work in a previous shift. He was reprimanded for not completing the form and then made excuses by saying a state law and a department-wide email allowed him to be late for work. When Mr. Primus doubled down on these excuses, Lt. Hill suspended him for insubordination. Although the Lieutenant’s words and actions may have been harsh, Mr. Primus did not follow a direction by his superior and therefore this meeting does not rise to anything more than a bona fide personnel action. *See, e.g., id.* at *24 (“bona fide personnel actions taken by supervisors that cause injury are not generally compensable” unless they act with “no legitimate purpose”).

None of these actions amounted to intentional infliction of emotional distress either. Therefore, they cannot form the basis of a personal injury claim. *See* G.L. c. 152, § 1(7A). Intentional infliction of emotional distress is intentional or reckless, extreme,

and outrageous conduct causing severe emotional harm. *See Agis v. Howard Johnson Co.*, 371 Mass. 140, 141-45 (1976). “Extreme and outrageous” conduct is “beyond all possible bounds of decency” and “utterly intolerable in a civilized community.” *Id.* at 145. “Mere insults, indignities, threats, annoyances, petty oppressions, or other trivialities” are not extreme and outrageous conduct. *Foley v. Polaroid Co.*, 400 Mass. 82, 99-100 (1987).

Although it sounds as if Mr. Primus was not always treated well by his colleagues, the conduct of his supervisors he describes that led to his suspension is not “beyond all possible bounds of decency”; nor was it “extreme and outrageous.” *Agis v. Howard Johnson Co.*, 371 Mass. 140, 355 N.E.2d 315 (1976). In both his filings and in his testimony, he made much of the fact that the officers who were in the room with him when he was being questioned about being late were armed with guns. He claims this fact alone intimidated him. There is nothing outrageous about the fact that on-duty police officers who are regularly armed as part of their jobs were armed on this occasion as well.

Mr. Primus received a suspension for insubordination and additionally alleged that his supervisors consistently treated him poorly. This does not rise to the high standard of intentional infliction of emotional distress. *See, e.g., Sindi v. El-Moslimany*, 896 F.3d 1 (1st Cir. 2018) (plaintiff had a valid intentional infliction of emotional distress claim after being harassed daily with degrading text messages and being followed to events she was speaking at for the purpose of passing out leaflets providing a website to go to about the plaintiff’s poor reputation); *Burgess v. Plymouth Cty. Ret. Bd.*, CR-03-4,

at *8 (Div. Admin. L. App. May 14, 2004) (“a two-day suspension for failing to properly enforce town bylaws, failure to follow the orders of the Captain of the Port, and submission of a false report, does not rise to the level of an intentional infliction of emotional harm and is, in fact, a bona fide personnel action”).

Mr. Primus has failed to establish a viable personal injury theory for accidental disability retirement.

B

To succeed on a hazard theory, Mr. Primus must establish that “the employment . . . exposed him to ‘an identifiable condition . . . that is not common and necessary to all or a great many occupations.’ ” *Blanchette*, 20 Mass. App. Ct. at 485 (internal citations omitted). The work conditions that Mr. Primus described do not meet this requirement. Job conflicts with superiors and co-workers, including the series of incidents over the course of two years, do not “distinguish [the applicant’s] occupation from a wide variety of other occupations where employees face similar pressures and demands.” *Sugrue v. Contributory Ret. App. Bd.*, 45 Mass. App. Ct. 1, 6 (1997). It is sadly not uncommon to have a superior or co-workers who do not react well to an employee who files numerous complaints and refuses to fill out standard forms. While I sympathize with Mr. Primus, these are all circumstances faced by many in the workforce and he, therefore, has failed to establish a viable hazard theory for accidental disability retirement. *See Ahearn v. Boston Ret. Bd.*, CR-11-253, at *9-12 (Div. Admin. L. App. Mar. 11, 2015).

Mr. Primus has therefore failed to allege a viable hazard theory for accidental disability retirement.

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For the foregoing reasons, Mr. Primus's application for accidental disability retirement was properly denied as a matter of law. The Board's decision is therefore AFFIRMED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

DATED: October 24, 2025