

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
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James Rattigan,
Petitioner

Docket No: CR-25-0404

v.

Boston Retirement System,
Respondent

Date: July 25, 2025

FINAL DECISION - DISMISSAL

James Rattigan appealed from a June 11, 2025 letter from the Boston Retirement System threatening to stop payment on his accidental disability retirement pension as of April 15, 2025 because he had failed to timely submit his Annual Statement of Income for 2023. The letter informed him that the Retirement System would hold a hearing on July 15, 2025 and that, if he was aggrieved by the Retirement System's decision, he could file an appeal with the Division of Administrative Law Appeals (DALA).

On July 23, 2015, the Retirement System moved to dismiss Mr. Rattigan's appeal because the Retirement System had not actually stopped paying Mr. Rattigan's pension. Rather, the purpose of the letter it sent to him was to give him "written notice and opportunity to be heard" before terminating his benefits. The Retirement System also stated that Mr. Rattigan had now filed his 2023 Annual Statement of Income, and thus his pension would continue to be paid.

Mr. Rattigan's attorney acknowledged the Retirement System's statement that Mr. Rattigan had come into compliance and thus there was nothing to appeal. She thus

consented to the motion to dismiss.

Although the letter to Mr. Rattigan is confusing as to whether the Retirement System had already stopped paying Mr. Rattigan's pension, if in fact the Retirement System had not made a final decision to stop paying his pension, then there was no final decision to appeal. Absent a final decision, the inclusion of appeal rights language did not make the letter appealable.

DALA lacks jurisdiction over the non-final action of the Boston Retirement System. Furthermore, Mr. Rattigan has now come into compliance by filing his 2023 Annual Statement of Income. I therefore dismiss his appeal both for lack of jurisdiction and because it is moot. 801 CMR 1.01(7)(g)3.

DIVISION OF ADMINISTRATIVE LAW APPEALS

James P. Rooney

James P. Rooney
First Administrative Magistrate

Notice sent to: Leigh Panettiere, Esq.
Natacha Thomas, Esq,