

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Town of Marshfield Veterans' Services (Colette Roberts),
Petitioner

v.

Docket No. VS-25-0419

Executive Office of Veterans Services,
Respondent

Appearance for Petitioner:

Lisa J. Potts
Carin L. Paulette

Appearance for Respondent:

Sarah G. Vincent, Esq.

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF DECISION

Because a veteran died outside Massachusetts, his widow is not entitled to Massachusetts veteran's benefits as a dependent.

DECISION

The petitioner, Town of Marshfield Veterans' Services (which this decision will call "Marshfield Veterans' Services"), appeals the decision of the Executive Office of Veterans Services (EOVS) to deny veteran's benefits to Mrs. Colette Roberts.

The parties agreed to proceed on submissions. I have before me the appeal of Marshfield Veterans' Services; a Decision and Order of EOVS and its six exhibits; a 33-page PDF titled "Documents submitted to EOVS in lieu of an application," which EOVS emailed on January

8, 2026; and Mrs. Roberts's application for dependent's benefits, which Marshfield Veterans' Services emailed on January 9, 2026. Exhibit numbers in this decision refer to the exhibits of EOVS's Decision and Order.

Findings of Fact

1. On March 24, 2025, Mrs. Roberts applied for veteran's benefits as a dependent, using a VS-1 form, from Marshfield Veterans' Services. (Application)

2. On May 16, 2025, Marshfield Veterans' Services issued a notice of action, denying benefits. (Ex. 1)

3. Marshfield Veterans' Services wrote:

If the veteran is deceased, benefits may be granted to a dependent only if the veteran died while residing in Massachusetts and the dependent resided in the Commonwealth at the that time.

(Ex. 1)

4. Although it issued its notice of action, Marshfield Veterans' Services supported Mrs. Roberts's application. (EOVS Decision and Order at 2 ("Despite supporting Petitioner's application for benefits, Marshfield denied Petitioner's application at the direction of the EOVS authorizer...."))

5. Mrs. Roberts appealed the Marshfield Veterans' Services' notice of action. (Ex. 2)

6. On June 17, 2025, EOVS held a hearing on Mrs. Roberts's appeal. (EOVS Decision and Order)

7. On June 25, 2025, EOVS issued its Decision and Order. It stated, in part (and I find EOVS's finding as my findings):

Petitioner and her husband were born in New York and married in New York in 1959. See Exhibit 3. Mr. Roberts served in the military between 1953 and 1955, while he was a resident of New York. See DD-214, attached. During the hearing, Petitioner testified that she and Mr. Roberts later moved to East Longmeadow, Massachusetts in 1976 and that Mr. Roberts worked in Massachusetts throughout the approximately eight years they lived there. See Exhibit 4. Petitioner and Mr. Roberts then moved to Maryland, where Mr. Roberts lived until his passing in 2015. See Exhibit 5. Petitioner continued to live in Maryland until moving to Massachusetts in 2022 to live with her daughter in Marshfield, where she currently resides. See Exhibit 6. The Petitioner also testified that her brother currently lives in Springfield, Massachusetts.

....Mr. Roberts[] had not lived in Massachusetts for approximately thirty years at the time of his death, and he did not become a resident of Massachusetts until over twenty years after his military service concluded. See Exhibit 5, DD-214 attached. Mr. Roberts passed away in Maryland in 2015 after living there for several years, and he served in the military from 1953 to 1955, during which time he was a New York resident. See MGL Ch. 115 §5. Mr. Roberts would only have been eligible to receive Chapter 115 benefits during the period from 1976 until the mid-1980s when he and Petitioner were living in Massachusetts.

(EOVS Decision and Order at 3-4)

8. On July 7, 2025, Marshfield Veterans' Services, on behalf of Mrs. Roberts, timely appealed the EOVS's Decision and Order. The Director and Assistant Director of Veterans' Services wrote that they, as Mrs. Roberts' "Veterans Services Officers, would support the authorization of her Chapter 115 benefits." (Appeal)

9. On July 30, 2025, the parties agreed to proceed on the submissions.

Discussion

In its Notice of Action, Marshfield Veterans' Services correctly stated the law:

If the veteran is deceased, benefits may be granted to a dependent only if the veteran died while residing in Massachusetts and the dependent resided in the Commonwealth at the that time.

(Ex. 1) See G.L. c. 115 §§1, 5; 108 CMR 3.06(3).

In its Decision and Order, EOVS correctly stated the law:

For Petitioner to qualify to receive Chapter 115 benefits, Mr. Roberts would have needed to have resided in Massachusetts for at least one day immediately preceding his death, or to have entered into or continued his military service while residing in Massachusetts. See MGL Ch. 115 §5. Neither condition is satisfied in this case.

(EOVS Decision and Order at 3)

Because Mrs. Roberts' late husband, James Roberts, a veteran, died while living in Maryland and did not enter or continue his military service in Massachusetts, she is not eligible for veteran's benefits for a dependent. See *Cher Ortiz v. Executive Office of Veterans Services*, VS-25-0219 (Div. Admin. L. App. Aug. 28, 2015) (Bresler, A.M.).

Conclusion and Order

The Executive Office of Veterans Services' denial of benefits to Mrs. Roberts is affirmed.

Dated: January 15, 2026

/s/

Kenneth Bresler
Administrative Magistrate
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