COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS

Pamela Wells Rockhead,
Petitioner Docket No.: CR-25-0132

v.

Massachusetts Teachers' Retirement System,
Respondents

Appearances:

For Petitioner: Pamela Wells Rockhead, pro se
For Respondent: Ashley Freeman, Esq.

Administrative Magistrate:

Timothy Pomarole, Esq.

SUMMARY OF DECISION

The Respondent, Massachusetts Teacher's Retirement System (MTRS), properly classified Petitioner Pamela Wells Rockhead as a Tier 2 member for purposes of determining her retirement benefits. Membership obtained on or after April 2, 2012, is recognized as Tier 2, while Tier 1 membership is for those who became members prior to April 2, 2012. Although Ms. Rockhead originally entered government service prior to April 2, 2012, she left government service, took a refund of her contributions, and then reentered government service after April 2, 2012. It is the date of her reentry into service, not her original service date, that determines her tier classification.

MTRS also properly calculated the cost of purchasing her prior service using the actuarial assumed interest rate.

INTRODUCTION

The Petitioner, Pamela Wells Rockhead, timely appeals: (1) a decision by the Massachusetts Teachers' Retirement System (MTRS) classifying her as a Tier 2, rather than a Tier 1, member of MTRS; and (2) the estimated cost of purchasing prior service for which she had previously received a refund.

Ms. Rockhead did not appear for the scheduled hearing and provided no explanation for her absence. In the interest of resolving this appeal on the merits, and because it appears that this matter is resolvable without testimony, I advised the parties of my intention to decide this case on the written submissions pursuant to 801 CMR § 1.01(10)(c) and invited them to furnish any objections by March 27, 2026. Neither party objected.

I now admit into evidence exhibits A-J.[1]

FINDINGS OF FACT

1. On September 1, 2000, Ms. Rockhead began working in public service as a teacher for the Cambridge Public Schools. She worked there until August 31, 2002. During that period, Ms. Rockhead made retirement contributions to MTRS. (Ex. A)

2. From September 1, 2002, through August 20, 2004, Ms. Rockhead worked in the Boston Public Schools as a teacher and contributed to the Boston Retirement Board. (Ex. B)

3. In 2004, she left public service. (Ex. B)

4. On May 27, 2007, Ms. Rockhead received an $18,028.76 refund of the retirement contributions she made to MTRS and the Boston Retirement System, reflecting four years of creditable service. (Ex. B)

5. On October 22, 2012, Ms. Rockhead reentered state service, working for the Brookline Public Schools as a part-time employee at 50% FTE. She thus became an MTRS member again. (Ex. E)

6. On July 30, 2023, Ms. Rockhead requested an estimate of her creditable service. (Ex. C)

[1] Exhibits A-J are the proposed exhibits appended to Ms. Rockhead's pre-hearing memorandum.

7. On January 14, 2025, MTRS sent Ms. Rockhead a creditable service estimate, which was calculated under the assumption that she was a Tier 2 member of MTRS. That same day, MTRS also provided an estimate for the cost of buying back her refunded service. The amount, $68,725.40, reflected an actuarial assumed interest rate of 7%. (Exs. D and E).

8. On January 30, 2025, Ms. Rockhead wrote a letter to MTRS objecting to its decision to classify her as Tier 2, rather than Tier 1, and to the estimated cost of purchasing her refunded service. (Ex. F)

9. On February 6, 2025, MTRS denied Ms. Rockhead's request to be classified as Tier 1. It also explained that the cost of purchasing her refunded prior service was calculated using the actuarial assumed interest rate. (Ex. G)

10. On February 14, 2025, Ms. Rockhead timely filed an appeal with DALA. (Ex. H)

DISCUSSION

There are two issues in this appeal. The first is whether MTRS correctly classified Ms. Rockhead as a Tier 2 member, rather than a Tier 1 member.

Under G.L. c. 32, § 5, members who began service prior to April 2, 2012 enjoy the benefit of certain requirements and calculations that do not apply to those who joined after April 2, 2012. For ease of reference, MTRS designates members who belong to the first category as "Tier 1" members and those who belong to the second category as "Tier 2" members.

Ms. Rockhead contends that she should be classified as a Tier 1 member, the tier for members who joined state service prior to April 2, 2012, because she first entered state service in 2000. This contention is unavailing. MTRS's determination that Ms. Rockhead's tier level reset when she returned to public service on October 22, 2012 is consistent with *Templeton v. Plymouth County Retirement Board*, CR-97-307 (Div. Admin. L. App. Sept. 4, 1997), in which the magistrate held that withdrawing retirement contributions terminated the petitioner's original retirement system membership. Although the petitioner could later repurchase prior service credit upon reentering public service, doing so did not restore the rights or membership date associated with his earlier membership. Likewise, in *Manning v. Contributory Retirement Appeal Board*, 29 Mass. App. Ct. 253 (1990), the Appeals Court held that purchasing prior service entitles a member to creditable service but does not create retroactive membership that has an impact on membership date or rights and benefits associated with that earlier membership.

The holdings in *Templeton* and *Manning* apply here. Ms. Rockhead withdrew her accumulated deductions in 2007, which terminated her membership. When she returned to public service on October 22, 2012, she established a new membership. Although she may purchase her previously refunded service under G.L. c. 32, § 3(8)(b), that purchase restores her creditable service, not her earlier membership date. Her membership rights, including the applicable tier, are determined by the date on which her current membership commenced.

The second issue is whether MTRS correctly estimated the $68,725.40 cost of purchasing Ms. Rockhead's prior service, for which she had received a refund of $18,028.76 more than fifteen years earlier. Ms. Rockhead sole argument on appeal is that $68,725.40 is disproportionate to the $18,28.26 refund she originally received.

The buyback is governed by G.L. c. 32, § 3(8)(b). Section 3(8)(b) provides that an individual who seeks to buy back refunded service must be assessed the actuarial assumed rate of interest on the refunded amount, rather than a more favorable buyback rate, unless the member pays, or makes arrangements to pay, the required amount within one year of reentry into service or April 2, 2012, whichever is later. *Levy v. Massachusetts Teachers' Ret. Sys.*, CR-14-414 (Div. Admin. L. App Apr. 27, 2008). Ms. Rockhead did not pay into the annuity savings fund of the retirement system or make provision for the repayment in installments within 1 year from her date of re-entry. Accordingly, she must pay the actuarial assumed rate of interest, which is the interest that would have been "credited using a rate equal to [the] system's actuarial assumed rate of return on investments and determined from time to time by" the Public Employee Retirement Administration Commission (PERAC). G.L. c. 32, § 1. PERAC has set the current actuarial assumed interest rate at 7%. (Exhibit E)

MTRS acknowledges that $18,028.76 compounded at 7% over 18 years results in a substantial price tag for buying back the previously refunded service. But that reflects the nature of compound interest. It also reflects the cost of putting the retirement system in the position it would have occupied had the $18,028.76 remained available to invest over the course of 18 years. The estimate, in this sense, is not disproportionate or inequitable, but even if it was, this Division does not have the authority to provide equitable remedies contrary to the requirements of the statute. *Bristol County Ret. Bd. v. Contrib. Ret. App. Bd.*, 65 Mass. App. Ct. 443, 451-52 (2006).

The assessed buyback amount of $68,725.40 was therefore correctly calculated by MTRS in accordance with G.L. c. 32, § 3(8)(b).

For the foregoing reasons, MTRS's decisions to classify Ms. Rockhead as a Tier 2 member and to charge her actuarial assumed interest on her buyback are affirmed.

SO ORDERED.

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Date: July 24, 2026

/s/ Timothy M. Pomarole

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Timothy Pomarole
Administrative Magistrate