

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Gina Russell,
Petitioner,

Docket No.: CR-26-0219

Dated: August 7, 2026

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Gina Russell is a participant in the benefits program known as Retirement Plus, G.L. c. 32, § 5(4). For several years, the petitioner's employer withheld retirement contributions from her at a lower rate than Retirement Plus requires. When the Massachusetts Teachers' Retirement System discovered the error, it billed the petitioner for her underpayment, declining to "waive the amount owed." She timely appealed.

A retirement board's refusal to waive repayment from a member is highly discretionary. *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd. (Polycarpo)*, 65 Mass. App. Ct. 443, 447, 451 (2006). The petitioner's notice of appeal did not necessarily identify any error with regard to MTRS's exercise of its authority. A prior order therefore directed her to show cause why the appeal should not be dismissed for failure to state a claim. The petitioner's deadline under that order has expired. She has filed nothing further. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

Division of Administrative Law Appeals