

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Jeffrey Ryan,
Petitioner

Docket No.: CR-25-0740

v.

State Board of Retirement,
Respondent

Appearances:

For Petitioner: Jeffrey Ryan, pro se

For Respondent: Alison Eggers, Esq.

ORDER OF DISMISSAL

Petitioner Jeffrey Ryan timely appealed Respondent State Board of Retirement's denial of his application for classification in Group 2 based on his work as a victim services specialist for the Barnstable County Sheriff's Department. On December 16, 2025, I issued an Order to Show Cause why I should not dismiss his appeal for failure to state a claim upon which relief may be granted. In that Order, I explained that to be eligible for classification in Group 2, the law governing retirement from public service requires that Mr. Ryan's "regular and major duties" must have involved the "care, custody, instruction or other supervision of prisoners[.]" G.L. c. 32, § 3(2)(g). Mr. Ryan responded to the Order.

Section 3(2)(g) of Chapter 32 of the Massachusetts General Laws classifies contributory retirement system members into four groups to determine, in part, what benefits members are entitled to when they retire. By default, members whose positions do not meet the criteria for the other three groups fall within Group 1. *Id.*

Mr. Ryan seeks Group 2 classification. To be eligible for Group 2 classification, Mr. Ryan has the burden of proving by a preponderance of the evidence, or that it is more likely than not, that his “regular and major duties” required him to have “care, custody, instruction or other supervision” of prisoners. *Id.*

In the narrative that he submitted to support his Group 2 classification application, Mr. Ryan explained that he has worked behind the walls of a secure facility for more than 20 years as the victim service specialist for the Barnstable County Sheriff. In a recent submission, he detailed his duties:

I notify certain individuals, agencies, groups and other entities about the custody status of convicted criminals and those dangerous enough to be held here on bail. I explain the intersection of responsibilities of the convicted individual in relation to the crime victim. I facilitate actions to ensure that a crime victim’s rights are observed and upheld. I monitor convicted Sex Offender Registry requirements and service of sex offender classification documentation. I alert holders of restraining orders that the defendant on the order is in custody or was no longer. I have reached out to the parents of a child, notifying them where the convicted child abuse is serving time and offering information on resources and services for support. I may also inquire regarding the restitution status of a convicted thief and his ability to pay the victim the ordered restitution.

Mostly though, I am involved with cases generally termed domestic violence I read the police reports, I listen to the victims, I attend domestic violence High Risk Task Force meetings. . . . I try to help her develop safety plans she can use when he invariably seeks her out again. . . . I will help her get a restraining order. I will notify her of his whereabouts within the criminal justice system. I will connect with other professionals to ensure everyone involved is currently aware of this history and pattern of the violence. I will help connect her with resources to assist her through the criminal justice process. I will listen to her on the telephone while she cries and relays stores of the abuse she has endured. . . .

He acknowledges that the prisoners “know that I do not offer them any service or anything to abbreviate or reduce their incarcerated time. . . . I have contact with their victims, significant others, partners and family members.” Based on the information he presented, all of which I take

to be true for present purposes, none of Mr. Ryan's work involved direct contact with prisoners, much less that his work involved their "care, custody, instruction or other supervision." His support and advocacy for victims, even when performed from inside of a secure facility, does not qualify him for Group 2 classification. *See Columbus v. State Bd. of Ret.*, CR-12-21 (Div. Admin. Law App. June 12, 2015) (clerk working at the Souza Baranowski Correctional Center not classified in Group 2 even though prisoners sought her out to answer questions relating to payroll and employment).

Mr. Ryan also described how his work made him uncomfortable or fearful, including how he avoided the dining hall because prisoners prepare the food; restricted his social media accounts; discontinued attendance at support group meetings in the community because former inmates attended those meetings; and believed that an inmate intentionally damaged his car in the prison parking lot. He wrote:

Consider my role and exposure to risk. In part, I ensure restraining orders are followed by the prisoner while he is in prison, as the result of violating the order. On behalf of the victim, I report additional violations that I am aware of – potentially triggering added committed time for that prisoner. I notify the crime victim about the custody status of the offender. I often encourage and assist the victim with remaining away from the offender. I am therefore[] in an adversarial role with the prisoners, within the prison population.

However, "dangerousness is not, itself, a statutory criterion for inclusion in Group 2." *Saffie v. State Bd. of Ret.*, CR-21-0020 (Div. Admin. Law App. July 7, 2023). And exposure to the dangers associated with employment in a correctional institution does not establish entitlement to Group 2 classification. *Woodward v. State Bd. of Ret.*, CR-20-0359 (Div. Admin. Law App. Dec. 17, 2021) ("The hazardous nature of the work is not a criterion on which membership in Group 2 is based."); *see also Santa v. State Bd. of Ret.*, CR-23-0413 (Div. Admin. Law App. Apr. 18, 2025)

("It is well established that . . . exposure to risks from members of [Group 2] populations does not establish Group 2 eligibility.").

Mr. Ryan's work on behalf of victims of crime, and in particular, victims of domestic violence, is a vital and often overlooked part of the criminal justice system. He writes eloquently about the importance of his work ("I help give the victim a voice in the ever evolving system, which has become much less focused on the impact of crime on some of our most vulnerable populations"). He should be commended for the number of years he has spent advocating and supporting victims. I am, however, bound to follow the applicable statute. *O'Malley v. Contributory Ret. App. Bd.*, 104 Mass. App. Ct. 778, 782 (2024). *See also Connor v. Plymouth Cnty. Ret. Ass'n*, CR-20-0142, CR-20-0133 (Div. Admin. Law App. Dec. 2, 2022) (sympathizing with petitioner "because so much of what she does is the kind of hazardous and arduous work group 4 status was intended to cover" but nonetheless denying group 4 status). I cannot, as Mr. Ryan advocates, simply "extrapolate to include [his] role and responsibilities" along with those explicitly listed in Chapter 32 for inclusion in Group 2.

In short, Mr. Ryan's work as a victim services specialist for the Barnstable County Sheriff's Department does not qualify him for Group 2 classification because his work does not involve the "care, custody, instruction or other supervision" of prisoners as required by Section 3(2)(g) of Chapter 32 of the Massachusetts General Laws.

For these reasons, Mr. Ryan's appeal is **dismissed** for failure to state a claim.

Dated: January 9, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

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