

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

Faustino Sanchez,
Petitioner

v.

Docket No. CR-23-0620

State Board of Retirement,
Respondent

Appearance for Petitioner:

Faustino Sanchez, *pro se*

Appearance for Respondent:

John Durgin, Esq.

Administrative Magistrate:

Kenneth Bresler

SUMMARY OF DECISION

Retiree was not entitled to Group 2 classification because, among other reasons, he was primarily a supervisor, and a majority of his duties did not entail caring for, having custody of, and instructing or otherwise supervising prisoners or parolees.

DECISION

The petitioner, Faustino Sanchez, appeals the denial by the State Board of Retirement (SBR) of his application for Group 2 classification.

I held a hearing on November 5, 2025, which I recorded. Mr. Sanchez represented himself, testified, and was the only witness. I admitted 11 exhibits.

Both parties submitted post-hearing briefs, Mr. Sanchez in November 2025, SBR in January 2026.

Findings of Fact

1. Mr. Sanchez was a Community Control Officer (CCO) for the Hampden County Sheriff's Office from May 6, 2001 to September 5, 2014. (Ex. 6) For part of that period, he was a First Community Control Officer. (Testimony)

2. Mr. Sanchez worked at the Community Safety Center in Springfield, not the Hampden County Correctional Center, which is the Sheriff's Office's main institution. (Testimony)

3. The Community Safety Center did not house prisoners or inmates. (Mr. Sanchez used both terms; it is unclear whether the different terms denoted different statuses.) Rather, prisoners and probationers came to the center for programs during the day. Prisoners wore ankle monitors. (Testimony)

4. The Community Safety Center runs programs for offenders who are not incarcerated. (Testimony) The exact status of participants is unclear. (Their status is not in the record, and the website of the Hampden County Sheriff's Office does not discuss the Community Safety Center. <https://hampdencountysheriff.com/>)

5. The job description for a First Community Control Officer – C.O. for the Hampden County Sheriff's Office, dated 2012, states that responsibilities include, among other listed ones:

- “the care, custody, and supervision of both sentenced and pre-trial participants”;
- the responsibilities of a CCO;
- monitoring check-ins at the Community Safety Center;
- electronically monitoring Community Safety Center participants;

- monitoring Community Safety Center participants through spot checks at participants' homes and community meetings;

- procuring urine for analysis;
- procuring breath samples for breathalyzer;
- providing feedback on participants' behavior to counselors and other staff;
- transporting participants as necessary.

(Ex. 3)

6. The following discussion of Mr. Sanchez's duties relate to his last year as a First CCO.

7. As a First CCO (there were apparently more than one First CCO), Mr. Sanchez was a supervisor; he supervised CCOs. (Testimony)

8. Mr. Sanchez supervised other CCOs for approximately 50% of his time. (Testimony)

9. Mr. Sanchez worked at the front desk of the Community Safety Center for three or four of his five work days. He did not have an office. (Testimony)

10. On a typical day, approximately 100 people entered the Community Safety Center for the day, including prisoners supervised by the Sheriff's Office, 15 probationers, and 20 to 40 parolees. (Testimony)

11. On his days at the front desk, Mr. Sanchez spent most of his time, from 80% to nearly 100%, at the computer terminal at the front desk, checking in prisoners, monitoring them through their ankle monitors, and at the end of the day, checking them out. (Testimony)¹

¹ Percentages do not add up to 100 percent because Mr. Sanchez estimated percentages and because he performed more than one duty at a time, such as supervising CCOs and checking in prisoners.

12. Mr. Sanchez received alerts when the ankle monitoring system reported that prisoners were in places they were not supposed to be. (Testimony)

13. As prisoners and probationers entered the Community Safety Center, Mr. Sanchez also conducted breathalyzers for prisoners and probationers who appeared intoxicated or who smelled of alcohol. This duty, which he conducted at the center's front desk, took approximately two hours per week. (Testimony)

14. If an inmate failed the breathalyzer test, Mr. Sanchez would handcuff the inmate and transfer him to higher security. Handcuffing and transferring an inmate happened once or twice a week, took between 25 and 75 minutes, and took 2 to 3% of his time. (Testimony)
(What transferring an inmate to higher security entailed, besides handcuffing him, is not in the record.)

15. Mr. Sanchez patted down and searched prisoners entering for the day when a correctional officer was not at the entrance. Doing so took an hour in a typical week.
(Testimony)

16. Mr. Sanchez helped the Community Safety Center collect urine specimens (although it is unclear from the record under what circumstances prisoners and probationers had to provide them). He accompanied prisoners and probationers to the restroom and ensured that they urinated, rather than provide a sample that was not theirs. This duty took two to three hours per week. (Testimony)

17. Mr. Sanchez's other duties included these: checking program participants' treatment plans; conducting security checks on classrooms and elsewhere in the center; coordinating apprehension teams for escaped inmates; interacting with 40 to 60 inmates in the

center's day room; de-escalating tense and potentially violent situations; checking inmates at their jobs and programs; teaching a class on how inmates should behave and how to fill out schedules and itineraries,² and a class on introduction to treatment; managing his caseload; and ensuring that inmates were safe. (Testimony)

18. Mr. Sanchez did not develop treatment plans but provided input to other personnel who developed treatment plans. (Testimony)

19. Mr. Sanchez's orientation of inmates as they first began at the center lasted for approximately one hour. No correctional officer was present in the classroom. (Testimony)

20. Mr. Sanchez had 25 people on his caseload. Managing his caseload entailed his making sure that the people attended the classes that they were enrolled in and complied with treatment plans. He managed his caseload at the computer at the Community Safety Center's front desk. (Testimony)

21. Mr. Sanchez performed a security check of the perimeter of the Community Safety Center on most days; it took about 15 minutes. (Testimony)

22. Mr. Sanchez spent 95% of his working time inside the Community Safety Center.

23. Mr. Sanchez spent 2 to 3% of his time in the community, about once a month, depending on whether staffing levels allowed him to do so. In the community, Mr. Sanchez inspected inmates' homes and jobs, which took approximately four hours total per month. (Testimony)

24. Sometime before May 28, 2015, Mr. Sanchez applied for Group 4 classification for

² Mr. Sanchez's description of this class made it sound more like orientation than training.

his position as a CCO. On May 28, 2015, SBR denied his application. (Ex. 7) (This application and denial are not the subjects of the appeal in this case.)

25. On September 1, 2023, Mr. Sanchez again applied for Group 4 classification. He had already retired by then. (Ex. 6, testimony)

26. Because SBR had already denied Mr. Sanchez Group 4 classification in 2015, SBR treated Mr. Sanchez's 2023 application as one for Group 2 classification, with Mr. Sanchez's knowledge. (Representation of SBR at hearing; Ex. 11 (internal SBR email, Nov. 27, 2023, referring to Mr. Sanchez's applying for Group 2 classification))

27. On his application, Mr. Sanchez stated that he was not an active member then employed by the Commonwealth; his membership began before April 2, 2012; he was not seeking prorated service by group classification; and he was submitting one application. (Ex. 6)

28. Mr. Sanchez sought Group 4 classification for his position(s) as "Community Control officer / maintenance" for approximately April 3, 1995 to April 3, 2015. (Ex. 6)

29. On November 29, 2023, SBR denied Mr. Sanchez's application and informed him on November 30, 2023 of the denial. (Ex. 9)

30. On December 11, 2023, Mr. Sanchez timely appealed. (Ex. 10)

Discussion

Treating Mr. Sanchez's application as one for Group 2

A petitioner may not informally amend their application for retirement benefits or appeal *sub silentio*, orally, or with a brief or other submission. *See e.g., Howard Poulten v. Boston Retirement Board*, CR-11-88, CR-12-547 (DALA May 22, 2014; *aff'd* CRAB Aug. 15, 2015) (both the DALA and CRAB cases warned against an application becoming a moving target).

However, a retirement board may have some minor leeway in how it treats an application before an appeal begins. After all, a retirement board would not be prejudiced by its own action. Although I have ruled,

I have no authority to decide issues that the parties agree are in front of me or do not object to my hearing but are not actually in front of me,

John Sorrentino v. State Board of Retirement, CR-19-0118 (DALA Feb. 24, 2023), here, SBR's treatment of Mr. Sanchez's application for Group 4 as an application for Group 2 happened before SBR's denial of the application and Mr. Sanchez's appeal.

Care, custody, instruction, or other supervision of prisoners

G.L. c. 32, §3(2)(g) grants Group 2 classification, a desirable classification for retirement benefits, to employees whose "major duties require them to have the care, custody, instruction or other supervision" of prisoners and parolees.

The job description for a First Community Control Officer include, among other listed ones, "the care, custody, and supervision of both sentenced and pre-trial participants." (Ex. 3)

I take that description as a conclusory and non-dispositive statement, derived from G.L. c. 32, § 3 and possibly intended to qualify CCOs for Group 2 and retirement advantages, even when only few of the responsibilities that follow fall into care, custody, or supervision of inmates, such as transporting participants. (Ex. 3) Moreover,

group classification depends not only upon the job description, but also upon those duties actually performed by the employee.

Russell Hayes v. State Board of Retirement, CR-07-581 (DALA March 12, 2009)

Mr. Sanchez's theory of his case is that he cared for, had custody of, and instructed and otherwise supervised prisoners. (Testimony) Mr. Sanchez's theory is unavailing.

The term “major duties” means that an employee spent a majority of his time on those duties. *E.g., Lori Carlson v. State Board of Retirement*, CR-23-0303 (DALA Aug. 8, 2025). Mr. Sanchez spent the majority of his time supervising other CCOs and working at the front desk, not caring for, having custody of, instructing, or supervising prisoners or parolees. Interaction and contact with prisoners and parolees does not, by itself, constitute caring for, having custody of, instructing, or supervising them. *See e.g., Carlson, supra*.

Most of Mr. Sanchez’s duties other than working at the front desk did not entail caring for, having custody of, instructing, or supervising prisoners or parolees. For example, Mr. Sanchez’s conducting a one-hour orientation did not constitute instructing prisoners or parolees. Mr. Sanchez’s helping collect urine specimens did not constitute providing direct care to prisoners or parolees. *Robert Lacouture v. State Board of Retirement*, CR-13-318 (DALA May 8, 2015).

Conclusion and Order

Mr. Sanchez is not entitled to Group 2 classification. SBR’s denial of Group 2 classification is affirmed.

Dated: July 10, 2026

/s/ Kenneth Bresler

Kenneth Bresler
Administrative Magistrate
DIVISION OF ADMINISTRATIVE LAW APPEALS
14 Summer St., 4th Floor
Malden, MA 02148
Tel: (781) 397-4700
www.mass.gov/dala