

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Gareth R. Saunders,
Petitioner

Docket No. CR-26-0245

v.

State Board of Retirement,
Respondent

ORDER OF DISMISSAL

Petitioner Gareth R. Saunders appealed from the decision by the State Board of Retirement (SBR) that he was ineligible to purchase his military service from March 1981 to August 1985. The SBR based its decision on An Act Honoring, Empowering, and Recognizing Our Servicemembers and Veterans (the HERO Act), which became law on August 8, 2024. Section 53 of the HERO Act provides:

Notwithstanding any general or special law to the contrary, any member of a retirement system who is a member in service and a veteran who failed to make the purchase authorized in [Section 4(1)(h) of] chapter 32 of the General Laws . . . shall be given a 1-time opportunity to apply to the retirement system to make said purchase within 1 year from the effective date of this act. Each retirement system shall provide written notice to all members in service of their potential eligibility for this purchase within 90 days of the effective date of this act.

2024 Acts c. 178, § 53. Thus, eligible veterans had until August 8, 2025, to purchase their service.

The SBR stated that it notified Mr. Saunders of his eligibility to purchase creditable service in September 2024. Mr. Saunders filed his application on March 11, 2026, which the SBR denied because he filed the application after the August 2025 deadline.

In his appeal letter, Mr. Saunders wrote that he was “not aware of and did not fully understand the hard deadline of August 8, 2024, and all the sections of the Hero Act.” He asked the Division of Administrative Law Appeals (DALA) to “overrule the Retirement Board’s decision and Grandfather [his] original application to allow [him] to buy back up to 4 years of [his] prior military service.” He was referring to his 2015 application to purchase creditable service for his military time; the SBR had responded to that application in 2015 with the cost of the purchase and a July 2015 deadline. Based on the circumstances, I infer that Mr. Saunders did not complete that purchase.

DALA issued an Order to Show Cause why this appeal should not be dismissed for failure to state a claim on which relief may be granted. Mr. Saunders had until August 14, 2026, to explain why DALA has the legal authority to disregard the deadline the Legislature set out in the HERO Act, grandfather Mr. Saunders’s original application date, and allow him to purchase his military service. He did not respond by the deadline. Accordingly, this appeal is dismissed for failure to prosecute the claim. 801 CMR 1.01(7)(g)(2).

Dated: August 21, 2026

/s/ Judi Goldberg
Judi Goldberg
Administrative Magistrate
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