

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

Middlesex, ss.

Susan Schofield,  
Petitioner,

Docket No.: CR-24-0338

v.

State Board of Retirement,  
Respondent.

**ORDER OF DISMISSAL**

The Petitioner appealed the State Board of Retirement's (Board) denial of her application for group 2 status. During the pre-trial process, the Board moved to dismiss the appeal as untimely. The Petitioner had until July 15, 2025 to respond to the motion, but did not. I then issued an order to show cause asking the Petitioner to respond by December 19, 2025. I indicated the matter would be dismissed if she 1) failed to provide a valid explanation of why she did not respond sooner and/or 2) failed to respond the Board's motion to dismiss. Counsel replied on November 26, 2025 with an explanation for why he had not responded sooner. I accepted the explanation and indicated I would not dismiss the appeal for failure to prosecute. However, I explained that the Petitioner still needed to respond to the Board's motion to dismiss her appeal as untimely. To date, the Petitioner has not responded to that motion.

Based on the available record, the appeal was not timely filed. The Board issued a letter denying Group 2 status on April 26, 2024. G.L. c. 32 § 16(4) gives aggrieved parties 15 days from receipt of a retirement board's decision to file their appeal. Even assuming it took three days for the letter to arrive, 801 Code of Mass. Regs. § 1.01(4)(c), the Petitioner should have received the letter by April 29, 2024. The Petitioner was then required to file her appeal by May 14, 2029.

However, she did not file the appeal with DALA until May 29, 2024. And given that the Petitioner did not respond to the Board's motion, there is no information in the record to indicate otherwise. The 15-day time limit to appeal is jurisdictional. *Mireault v. State Bd. of Ret.*, CR-17-168 (Contributory Ret. App. Bd. Apr. 28, 2025).

Accordingly, it is hereby ordered the appeal is **dismissed** for lack of jurisdiction.

Dated: January 2, 2026

*Eric Tennen*

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Eric Tennen, Magistrate  
DIVISION OF ADMINISTRATIVE LAW APPEALS  
14 Summer St., 4th Floor  
Malden, MA 02148  
Tel: (781) 397-4700  
[www.mass.gov/dala](http://www.mass.gov/dala)