

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

**In the Matter of the Retirement Plus
Enrollment Window of 2023**

Docket No.: CR-25-0244

Concerning the appeals of: Matthew Peirce
(No. CR-25-0044), Allison Ripley
(No. CR-25-0059), Mitchell Mortali (No. CR-25-
0066), Emily Morris (No. CR-25-0073),
Jennifer Sole-Robertson (No. CR-25-0074),
Karen Sarmiento (No. CR-25-0076), Kaitlin
LaPine (No. CR-25-0096), Susan Shatford (No.
CR-25-0127), Victoria Quinlan (No. CR-25-
0131), and Camila Oliveira (No. CR-25-0170).¹

SECOND CONSOLIDATED ORDER OF DISMISSAL

This consolidated proceeding combines the appeals of various teachers who seek to be enrolled in the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). Each of the appeals was filed after the Massachusetts Teachers' Retirement System (MTRS) informed the pertinent petitioner that he or she had missed an opportunity to join Retirement Plus during the first half of 2023. *See* Acts 2022, c. 134, § 3.

In August 2025, MTRS filed separate motions to dismiss various individual appeals. The petitioners were instructed to file opposition briefs within 30 days. They were advised that their failures to comply would likely be interpreted as indicating their respective agreements that the motions should be granted.

¹ The remaining consolidated appeals not addressed by this order are those of petitioners Benjamin Bing (No. CR-25-0051), Danielle DiFraia (No. CR-25-0104), Emily DeCilio (No. CR-25-0164), Caitlin Willis (No. CR-25-0175), Sean Sullivan (No. CR-25-0179), and Erin Corcoran (No. CR-25-0197).

The ten petitioners addressed by this order filed no oppositions to the motions to dismiss. Dismissal of these petitioners' appeals is therefore warranted based on mootness and by the petitioners' consent. *Compare Bray & Gillespie Mgmt. LLC v. Lexington Ins. Co.*, 527 F. Supp. 2d 1355, 1371 (M.D. Fla. 2007), with *Jones v. Providence Pub. Sch.*, No. 23-1407, 2024 WL 1128034 (1st Cir. Mar. 11, 2024).

Regardless, the merits support MTRS's motions. The petitioners do not claim to have enrolled in Retirement Plus during the 2023 enrollment window. The pertinent statute, Acts 2022, c. 134, § 3, does not indicate that it provides for any belated enrollments. *See Gabrielian v. Massachusetts Teachers' Ret. Syst.*, No. CR-23-64, 2025 WL 2322617 (Contributory Ret. App. Bd. June 23, 2025). *Cf. In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023). Sympathy for the petitioners or any intuitive unfairness about their cases is not capable of altering their legislatively prescribed entitlements. *See Roussin v. Boston Ret. Syst.*, No. CR-23-28, 2024 WL 2956657, at *2 (Contributory Ret. App. Bd. June 3, 2024).

In view of the foregoing, it is hereby ORDERED that the motions to dismiss these appeals (Nos. CR-25-0044, CR-25-0059, CR-25-0066, CR-25-0073, CR-25-0074, CR-25-0076, CR-25-0096, CR-25-0127, CR-25-0131, and CR-25-0170) are ALLOWED. Those appeals are SEVERED from this consolidated proceeding and DISMISSED. The severance is intended to both allow and require any appeals from this order to be taken within 15 days from the date of this decision.

Dated: September 19, 2025

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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