

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Mark Segalla,
Petitioner,

No. CR-21-0368

Dated: August 8, 2025

v.

Reading Retirement Board,
Respondent.

Appearances:

For Petitioner: Richard Heavey, Esq.

For Respondent: Michael Sacco, Esq.

Administrative Magistrate:

Melinda E. Troy

SUMMARY OF DECISION

The petitioner, a police chief, applied to retire for accidental disability based on a diagnosis of posttraumatic stress disorder. Although the petitioner endured several unusually traumatic incidents, he did not file his retirement application within two years after those incidents as required by G.L. c. 32, § 7(1). The more routine stressors of ordinary police work also may have contributed to the petitioner's mental-health issues; but those stressors were not sufficiently "uncommon" to warrant an award of accidental disability retirement. There was no error in the respondent retirement board's denial of the petitioner's retirement application.

DECISION

Petitioner Mark Segalla appeals from a decision of the Reading Retirement Board (board) denying his application to retire for accidental disability. I held a hearing on December 18, 2023. The witnesses were Mr. Segalla and clinical social worker Jeff Zeizel. I admitted into evidence exhibits marked 1-18.

Findings of Fact

I find the following facts.

1. Mr. Segalla began working as a police officer in Vermont in 1995. He joined the Reading police department in 1996. He was serially promoted over the course of a successful career, eventually becoming the chief of police in 2016. (Segalla testimony; exhibits 1, 6.)

2. Mr. Segalla was exposed to several tragic and violent incidents while on duty. In 1995 (in Vermont), he responded to the home of a teenager who had fatally shot herself with a shotgun. In 2006, he was attacked and injured by a knife-wielding young man. He responded to violent car crashes in 1998 and 2009 and to serious injuries in residences on at least three occasions. The routine reports that memorialized these incidents did not indicate that Mr. Segalla may have suffered resulting psychological harm. (Segalla testimony.)

3. In February 2018, while Mr. Segalla was visiting the FBI's headquarters in Virginia, he was notified that another Reading officer had shot and killed a civilian. Mr. Segalla was badly upset by this news, which reminded him of earlier difficult incidents. His distress was not memorialized in a contemporaneous incident or injury report. (Segalla testimony.)

4. Mr. Segalla became seriously anxious and depressed after the February 2018 shooting. He began to experience hypervigilance and recurring nightmares. He also began to drink heavily. In May 2018, Mr. Segalla was admitted to McLean Hospital and diagnosed with PTSD. He commenced an outpatient treatment regimen and began to attend psychotherapy. (Segalla testimony; exhibit 13.)

5. At serial meetings with Mr. Segalla during late 2018, the Reading town administrator expressed concern that Mr. Segalla was no longer doing his job properly. Mr. Segalla signed a "return to work" agreement in November of that year but was placed on leave on December 21, 2018. He has not returned to work since. (Segalla testimony; exhibits 3, 4.)

6. During the ensuing years, Mr. Segalla continued to undergo individual counseling and group therapy. He has attended treatment for alcohol use disorder and a trauma-focused program at the On Site Academy in Westminster. He takes a daily antidepressant. His persistent symptoms include recurring nightmares and frequent irritability. He rarely socializes and is often fatigued. (Segalla testimony; exhibit 13.)

7. In April 2020, Mr. Segalla filed an application to retire for accidental disability. A checkbox on his application form identified the reason for Mr. Segalla's disability as a "personal injury," which the form described as "specific incidents." But in the narrative sections of the application, Mr. Segalla mostly refrained from pinpointing specific harmful events. He identified his diagnosis as "cumulative posttraumatic stress disorder," stating that he "had symptoms of PTSD for years and was unable or unwilling to seek help." In response to a question about the circumstances that harmed him, Mr. Segalla wrote: "The cumulative effects of my job as a Police Officer and ultimately as the Chief of Police" In response to multiple additional questions, Mr. Segalla described his condition as developing "over a period" of years. The only specific incident Mr. Segalla referenced in his application was the February 2018 shooting that he learned of from Virginia. (Exhibits 5, 8, 9.)

8. A regional medical panel consisting of psychiatrists Dr. Melvyn Lurie, Dr. Peter Cohen, and Dr. Lisa Barreto-D'Silva was convened to assess Mr. Segalla's application. The panelists examined Mr. Segalla separately during July 2021. They all then certified that Mr. Segalla is incapacitated, that his incapacity is permanent, and that it is such as might be the proximate result of Mr. Segalla's claimed workplace injury or hazard. (Exhibit 7.)

9. The panelists all identified PTSD as Mr. Segalla's leading diagnosis. They described his symptoms as including nightmares, insomnia, flashbacks, emotional numbness,

hyperarousal, irritability, memory issues, and concentration issues. With respect to the cause or causes of Mr. Segalla's condition, the panelists differed subtly. Dr. Lurie blamed specified incidents, namely the suicide Mr. Segalla witnessed in 1995, the knife attack he survived in 2016, and the shooting he learned about in 2018. Dr. Cohen described Mr. Segalla's condition as the "result of accumulating stress over several years." Dr. Barreto-D'Silva expressed a middle-ground position, stating that Mr. Segalla endured "cumulative PTSD events" over the course of "years," but that the 2018 shooting "aggravated [Mr. Segalla's] already existing PTSD." (Exhibit 7.)

10. In September 2021, the board allowed Mr. Segalla to retire for ordinary disability but not for accidental disability. He timely appealed. (Exhibits 11, 12.)

Analysis

A public employee seeking to retire for accidental disability is required to prove three primary elements: that he is incapacitated, that the incapacity is permanent, and that the incapacity was caused by a workplace injury or hazard. G.L. c. 32, § 7(1). The elements of incapacity and permanence are not in dispute here.

With respect to the causation element, the case law requires Mr. Segalla to prove one of two hypotheses: either that his incapacity "stemmed from a single work-related event or series of events," or that the incapacity was produced by "gradual deterioration" resulting from "an identifiable condition . . . that is not common and necessary to all or a great many occupations." *Blanchette v. Contributory Ret. Appeal Bd.*, 20 Mass. App. Ct. 479, 485 (1985).

Starting with the single-event-or-series-of-events option, Mr. Segalla does not appear to have pressed that hypothesis either before the board or on appeal. As recently as in the parties' prehearing memorandum, Mr. Segalla described his case as one "where the member's disability stems from exposure over the course of time." J. Prehearing Mem. 11. In his original

application to the board, Mr. Segalla did not portray his current condition as connected to any of the specific dangerous or violent incidents he witnessed. “If a member wishes to rely on . . . specific events, those events must be stated in the application.” *Zajac v. State Bd. of Ret.*, No. CR-12-444, 2015 WL 14085625, at *2 (Contributory Ret. App. Bd. Aug. 21, 2015), *aff’d*, No. 1579-00660 (Super. Ct. Aug. 8, 2016).

Even if Mr. Segalla had raised the single-event-or-series-of-events hypothesis, it would not have been viable. The general rule is that an accidental disability retirement application must be grounded in events occurring “within 2 years prior to the filing of [the] application.” G.L. c. 32, § 7(1). The purpose of this rule is to “allow [the board] an opportunity to investigate.” *Zajac*, 2015 WL 14085625, at *3. The specific events in the record (*see* Findings 1 and 2) all predated Mr. Segalla’s retirement application by more than two years¹.

An exception to the two-year limitation period arises when “written notice [of the injury] was filed with the board . . . within 90 days” of the incident, § 7(1). Mr. Segalla, however, provided no qualifying written notice about any of the pertinent incidents. *See Kane v. Worcester Reg’l Ret. Bd.*, No. CR-14-52, 2018 WL 11682013, at *4 (Contributory Ret. App. Bd. Aug. 23, 2018); *Benoit v. Everett Ret. Bd.*, No. CR-14-821, 2023 WL 11806155, at *4 & n.42 (Contributory Ret. App. Bd. Sept. 14, 2023); *Coach v. Westfield Ret. Bd.*, No. CR-23-196, 2025 WL 1092635, at *7 (Div. Admin. Law App. Apr. 4, 2025).

Nor can Mr. Segalla retire for accidental disability based on a “gradual deterioration” tied to “an identifiable condition . . . not common and necessary to all or a great many occupations.”

¹ Mr. Segalla also did not prove that he was in the performance of his duties when he learned that a Reading police officer had shot and killed a civilian. *See Retirement Board of Salem v. Contributory Retirement Appeal Board*, 453 Mass. 286, 291 (2009); *Boston Retirement Board v. Contributory Retirement Appeal Board*, 340 Mass. 109, 111 (1959); *Murphy v. Contributory Retirement Appeal Board*, 463 Mass. 333, 348 (2012).

Blanchette, 20 Mass. App. Ct. at 485. The classic condition of this type is “exposure to asbestos.” *Id.* at 487 n.7. But “constant exposure to life threatening situations or to continual traumatic or depressing events” also may qualify. *Id.*

Mr. Segalla, however, acknowledged in his testimony that his incapacity was the result of “events . . . [that] are not everyday occurrences.” Further, the case law does not view the stress experienced by essentially all police officers, firefighters, and other first responders and law enforcement as “[un]common.” *Blanchette*, 20 Mass. App. Ct. at 485. *See, e.g., Gale v. State Board of Retirement*, CR-13-205, slip op. at 5 (Contributory Ret. App. Bd. Oct. 23, 2023). *See also Eger v. Public Emp. Ret. Admin. Comm’n*, No. CR-99-855 (Div. Admin. Law App. Oct. 13, 2000, *aff’d*, Contributory Ret. App. Bd. Mar. 30, 2001); *Sayers v. Methuen Ret. Bd.*, No. CR-99-439 (Div. Admin. Law App. May 19, 2000, *aff’d*, Contributory Ret. App. Bd. Nov. 16, 2000); *Barletta v. Malden Ret. Bd.*, No. CR-99-6 (Div. Admin. Law App. Apr. 11, 2000, *aff’d*, Contributory Ret. App. Bd. Sept. 15, 2000).

All in all, this case reaches a sad result. The medical experts view Mr. Segalla’s career in public service as the cause of his permanent incapacity. As the statute is currently written and interpreted, however, Chapter 32 does not permit Mr. Segalla to retire for accidental disability.

Conclusion and Order

In view of the foregoing, the board’s decision is AFFIRMED.

SO ORDERED,

DIVISION OF ADMINISTRATIVE LAW APPEALS

Melinda E. Troy

Melinda E. Troy
Administrative Magistrate