

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Erik Shaw,**  
Petitioner,

Docket No.: CR-25-0550

v.

**State Board of Retirement,**  
Respondent.

**ORDER OF DISMISSAL**

Petitioner Erik Shaw appeals from a decision of respondent the State Board of Retirement (board) denying his application to purchase retirement credit for a period of military service.

The applicable statutes authorize certain purchases of credit by “member[s] in service.” See Acts 1996, c. 71, §§ 2-3; Acts 2002, c. 468, § 2; Acts 2024, c. 178, § 18 (codified at G.L. c. 32, § 4(1)(h)). As the Contributory Retirement Appeal Board has explained, “in the usual case, purchases of prior service may only be made at a time when the purchaser is an active member of a retirement system.” *Zavaglia v. Gloucester Ret. Bd.*, No. CR-09-459, 2015 WL 14085596, at \*1 & n.1 (Contributory Ret. App. Bd. Apr. 13, 2015) (*Zavaglia II*).<sup>1</sup>

The documents on file reflect the board’s understanding that Mr. Shaw “last worked for the Commonwealth on or around 04/30/2005,” i.e., approximately twenty years before he filed his purchase application. Mr. Shaw did not deny this point of fact in his notice of appeal. A

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<sup>1</sup> The board’s decision letter to Mr. Shaw omitted the important qualification “in the usual case,” relying on an inaccuracy in *Zavaglia v. Gloucester Ret. Bd.*, No. CR-09-459, 2014 WL 13121798 (Contributory Ret. App. Bd. July 3, 2014) (*Zavaglia I*), which *Zavaglia II* corrected several months later.

prior decision therefore required him to show cause why his appeal should not be dismissed for failure to state a claim.

Mr. Shaw's filing deadline has expired. He has filed nothing further. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Dated: November 14, 2025

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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