

**COMMONWEALTH OF MASSACHUSETTS
CONTRIBUTORY RETIREMENT APPEAL BOARD**

LINDA SIMONDS,

Petitioner-Appellee

v.

MASSACHUSETTS TEACHERS' RETIREMENT SYSTEM,

Respondent-Appellant

CR-23-0140

**DECISION ON ORDER TO SHOW CAUSE
WHY APPEAL SHOULD NOT
BE DISMISSED AS INTERLOCUTORY**

Respondent Massachusetts Teachers' Retirement System (MTRS) appeals from an Order of an administrative magistrate of the Division of Administrative Law Appeals (DALA), denying its Motion for Summary Judgment and ordered an evidentiary hearing to determine certain facts relating to Petitioner Linda Simonds' eligibility to join the Retirement*Plus* benefit program. On March 15, 2024, the Contributory Retirement Appeal Board (CRAB) issued an Order To Show Cause Why Appeal Should Not Be Dismissed as Interlocutory. MTRS filed a response to the Order To Show Cause on March 29, 2024. Petitioner Linda Simonds did not file a response.

MTRS urges CRAB to not dismiss this appeal as interlocutory but argues that a decision based on the submissions is appropriate where the issue on appeal is purely a question of law. Specifically, MTRS explains that the provision¹ at issue does not contemplate a notice requirement. Consequently, an evidentiary hearing to examine the details surrounding the issue of notice is not necessary or required. Furthermore, MTRS contends that addressing the implications of *Davey*² as ordered by the magistrate is also a question of law not necessitating an

¹ G.L. c. 32, § 5(4)(i).

² *Davey v. MTRS*, No. CR-01-914 (CRAB Jan. 31, 2003).

evidentiary hearing. Accordingly, it contends that a decision without an evidentiary hearing is most appropriate here.

When considering this appeal, we are mindful that magistrates have significant discretion to seek out further information not readily apparent in the record so that he "applie[s] correct principles of law to the facts found." *Vinal v. Contributory Retirement Appeal Bd.*, 13 Mass. App. Ct. 85, 92 (1982). Effective judicial review is made possible by administrative decisions that are based on substantial evidence, as well as reasoned findings. *Ibid.* This ensures that an administrative decision is not prejudiced by determinations "unsupported by substantial evidence." G.L. c. 30A, § 14(7)(e). As we noted, "[i]nadequate written findings and analyses preventing meaningful judicial review of other administrative agencies' decisions have resulted in remands for clarification." *Fender v. Contributory Retirement Appeal Bd.*, 72 Mass. App. Ct. 755, n.10. citing *Caswell v. Licensing Commn. for Brockton*, 387 Mass. 864, 876-877 (1983); *Costello v. Department of Pub. Utils.*, 391 Mass. 527, 537, 542 (1984); *Foster from Gloucester, Inc. v. City Council of Gloucester*, 10 Mass. App. Ct. 284, 294-296 (1980); *Mayor of Revere v. Civil Serv. Commn.*, 31 Mass. App. Ct. 315, 323, 327 (1991). It is for this reason that CRAB has strongly disfavored interlocutory appeals of a magistrate's order.³ The magistrate, in this instance, determined the most appropriate course for this appeal is to "further develop and probe the parties' respective positions" through an evidentiary hearing. While MTRS argues that CRAB is only tasked to determine purely legal questions and thus, effective judicial review would not be prejudiced here, it is not for CRAB to determine for a magistrate what is required to maintain the integrity of the administrative review process.

MTRS's objection to the magistrate's Order Denying Summary Decision and scheduling an evidentiary hearing is hereby dismissed as interlocutory. **Dismiss.**

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD



Uyen M. Tran

³ See CRAB's Order Dismissing Appeal Without Prejudice, *Daley v. Plymouth Retirement Bd. & PERAC*, CR-11-0441 (June 8, 2013) ("Such an interlocutory order is not appealable to CRAB; under our governing statute it is DALA's decision on the appeal from the [retirement board] that may be appealed to CRAB. G.L. c. 32, § 16(4).").

Assistant Attorney General
Chair
Attorney General's Appointee

Nicolle M. Allen

Nicolle M. Allen, Esq.
Governor's Appointee

Patrick M. Charles

Patrick M. Charles, Esq.
Public Employee Retirement Administration
Commission Appointee

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