

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Wanda Skelley-Haney,
Petitioner,

No. CR-24-0251

Dated: January 10, 2025

v.

**Massachusetts Teachers' Retirement
System,**
Respondent.

Appearances:

For Petitioner: Wanda Skelley-Haney (pro se)

For Respondent: Ashley Freeman, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioner retired in the middle of a school year. The respondent retirement board was correct to limit its calculations of the petitioner's retirement benefits to the pay that the petitioner actually "received," G.L. c. 32, § 5(2)(a), while disregarding sums that she hypothetically could have earned if she had continued working until the end of the year.

DECISION

Petitioner Wanda Skelley-Haney appeals from the computation of her retirement allowance performed by the Massachusetts Teachers' Retirement System (board). The appeal was submitted on the papers without objection. I admit into evidence the documents identified in the board's papers as exhibits 1-10.

Findings of Fact

I find the following facts.

1. The petitioner became a public employee in 1982 and a teacher no later than 2001. Over the course of her career, she accumulated thirty years or more of creditable service for retirement purposes. (Exhibits 4, 7.)

2. In anticipation of retirement, the petitioner met with board personnel and discussed her options with them. In September 2023, the petitioner presented the board with an application to retire for superannuation. She selected a retirement date approximately midway through the 2024 school year. (Exhibits 2, 8.)

3. To compute the petitioner's retirement allowance, the board relied on the three-year stretch leading up to her retirement, i.e., from mid-2021 until mid-2024. The petitioner's salary rose each year during that period. The board's calculation thus combined: 45% of the \$83,000 that the petitioner earned in 2021; the full \$86,000 that she earned in 2022; the full \$89,000 that she earned in 2023; and 55% of the \$91,000 that she would have earned if she had worked all of 2024.¹ (Exhibits 1, 6, 8.)

4. The board presented its analysis to the petitioner in a March 2024 appealable decision. The petitioner timely appealed, maintaining that board representatives had led her to believe that she would be credited for retirement purposes with 100% of her annualized pay rate in 2024. (Exhibits 1, 10.)

Analysis

The retirement allowance of a Massachusetts employee is derived from either three or five years' worth of pay amounts. In the case of an employee who established membership before 2012, the calculations are based on whichever is more generous among two options: (a) the employee's three highest-paid consecutive years of work; or (b) the employee's last three years of work, even if those years were not consecutive. *See* G.L. c. 32, § 5(2)(a).

In describing each of these alternatives, the retirement statute refers to the "regular compensation received by [the] member" during the pertinent years. § 5(2)(a). This wording

¹ The figures appearing in this paragraph are approximations.

conveys clearly that any pay amounts can count toward the retirement calculations only if they were “received by [the] member.” *Id.* The unambiguous, workable statutory language is conclusive. *See generally Harmon v. Commissioner of Correction*, 487 Mass. 470, 479 (2021). “[N]othing . . . suggests that the Legislature intended a member’s . . . retirement allowance to be based on a rate of regular compensation that the member did not receive” *Barnstable Cty. Ret. Bd. v. Public Emp. Ret. Admin. Comm’n*, No. CR-07-163, 2012 WL 13406336, at *7 (Contributory Ret. App. Bd. Feb. 17, 2012). After all, any pay that the member did not collect is money “on which the member did not actually pay . . . deductions.” *Id.*

The petitioner did not actually receive the full sum of \$91,000 that she could have earned for a full school year of work in 2024. The board’s method of computing her retirement allowance was therefore correct. The correct analysis controls the petitioner’s entitlements even if it is true that more elaborate communications from the board’s personnel might have corrected the petitioner’s misapprehensions about her retirement rights. *See Clothier v. Teachers’ Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010); *Moynihhan v. Contributory Ret. Appeal Bd.*, 104 Mass. App. Ct. 1108, slip op. at 7-8 (2024) (unpublished memorandum opinion).

Conclusion and Order

The board’s decision is AFFIRMED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate