

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Sarah Sontag,
Petitioner,

No. CR-25-0183

Dated: April 18, 2025

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

This is an appeal from a decision of the Massachusetts Teachers' Retirement System (MTRS) to exclude petitioner Sarah Sontag from the benefits program known as Retirement Plus. G.L. c. 32, § 5(4). The precise circumstances of Ms. Sontag's appeal are not clear, because she has not filed a copy of the MTRS decision that she wishes to appeal.

A prior order required Ms. Sontag to file a copy of the pertinent decision. The order also explained that, regardless of the exact circumstances, Ms. Sontag's appeal does not appear to state a viable claim. In essence, Ms. Sontag acknowledges in her papers that she missed her statutory opportunity to enroll in Retirement Plus. *See* Acts 2000, c. 114, § 2; Acts 2022, c. 134, § 3. Her claim is that she was not notified about that opportunity. But duly enacted statutes are binding even as to people who received no personalized information about them. *See Awad v. Hampshire Cty. Ret. Bd.*, No. CR-08-621, 2014 WL 13121791, at *3 (Contributory Ret. App. Bd. Dec. 19, 2014). *Cf. Clothier v. Teachers' Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010). A narrow exception to that rule in the context of Retirement Plus is not implicated by Ms. Sontag's assertions. *See In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723 (Div. Admin. Law App. Aug. 7, 2023).

Ms. Sontag was accordingly ordered to show cause why her appeal should not be dismissed for failure to state a claim. She was advised that failure to make that showing or

failure to respond would result in dismissal of the appeal. Ms. Sontag's deadline has expired, and she has filed nothing further.

In view of the foregoing, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate