

**COMMONWEALTH OF MASSACHUSETTS  
CONTRIBUTORY RETIREMENT APPEAL BOARD**

---

**ROBERT ST. LAURENT**

**Petitioner-Appellant**

**v.**

**STATE BOARD OF RETIREMENT,**

**Respondent-Appellee.**

**CR-22-0279**

---

**DECISION**

---

On August 12, 2022 the Division of Administrative Law Appeals (“DALA”) dismissed Petitioner Robert St. Laurent’s appeal of the State Board of Retirement’s (“SBR”) denial of the Petitioner’s application for accidental disability retirement without convening a medical panel pursuant to M.G.L. c. 32 § 7. By an email of January 20, 2023, Mr. St. Laurent filed an appeal to the Contributory Retirement Appeal Board (CRAB) of the DALA Dismissal.

On March 22, 2023, CRAB issued an Order to Show Cause noting that CRAB’s “governing statute, G.L. c. 32, § 16(4) provides that the DALA magistrate’s decision “shall be final . . . *unless within fifteen days after such decision . . . either party objects to such decision, in writing*, to the contributory retirement appeal board . . . .” *Id.* (emphasis added)” and requested Petitioner provide the Board “any and all reasons why this appeal should not be dismissed as untimely.”

Mr. St. Laurent filed a response to our Order by email on March 23, 2024. In his response, he did not address the issue of timeliness of his appeal to CRAB. Instead, he addressed a variety of equitable considerations in favor of his claim, primarily discussing the state of his mental health and the underlying merits of his appeal. The State Board of Retirement filed its response on August 5, 2023, arguing that CRAB lacks the jurisdiction

to address the merits Mr. St. Laurent's appeal. SBR correctly reports that Mr. St. Laurent's appeal was untimely and noted that "[t]he Board is [an] administrative agency which is authorized to act pursuant to its statutory Authority. See *Early v. State Bd. of Retirement*, 420 Mass. 836 (1995)."

To the extent that Mr. St. Laurent's response to the Order is a request for equitable relief, neither DALA nor CRAB has the authority to grant this request. As sympathetic as we may be to the circumstances presented in Mr. St. Laurent's filing, we must be mindful that attempts to institute judicial appeals "after expiration of the period limited by a statute" are "repugnant to the procedural scheme." *Schulte v. Director of the Div. of Employment Sec.*, 369 Mass. 74, 79 (1975). In addition, we must recognize that "time limits have particular significance in the context of administrative appeals due to the extremely large volume of such cases. Retirement boards need to know with reasonable certainty which cases are still subject to appeal in order to anticipate their potential liability for benefits." *Jane Seibecker v. Teachers' Retirement Syst.*, CR-14-773 (CRAB July 25, 2017) citing *McLaughlin v. Contributory Retirement Appeal Bd.*, No. SUCV2012-04354, Memorandum of Decision and Order (Suffolk Superior Ct. Jan. 13, 2014) (CRAB has no jurisdiction to hear late appeal).<sup>1</sup>

As with all appeals not timely filed, CRAB is jurisdictionally bound to enforce a fifteen-day deadline beginning the date of the DALA decision's issuance and may not ignore the plain language of the statute. "We interpret the language of the statute 'in accordance with its plain meaning, and if the language is clear and unambiguous, it is conclusive as to the intent of the legislature,'" *New England Auto Max, Inc. v. Hanley*, 494 Mass. 87, 91 (2024) (Statutes are to be interpreted in accordance with their plain words).

While we sympathize with Mr. St. Laurent's circumstances, DALA and CRAB

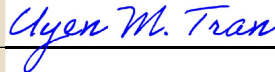
---

<sup>1</sup> See *Sears, Roebuck & Co. v. State Tax Comm'n*, 370 Mass. 127, 130 (1976) (board lacked jurisdiction to hear late appeal where time limit specified by statute); *Hanchett v. State Bd. of Retirement*, CR-07-1071 at 15 (DALA, Sept. 2, 2011) at 13-15 (no jurisdiction where attorney mistakenly sent appeal letter to retirement board, which did not forward it to DALA until three months later); cf. *Bowles v. Russell*, 551 U.S. 205, 209, 214 (2007) (where time limit was set by statute, Federal courts had no jurisdiction to allow appeal outside statutory limits despite clerk's error in informing counsel of deadline).

simply do not have the authority to provide equitable relief where it contravenes the retirement law. *See Early v. State Board of Retirement*, 420 Mass. 836 (1995) (DALA 1992) (*aff'd* CRAB 1993) and *Petrillo v. Public Employee Retirement Administration*, CR-92-731 (DALA 1992) (*aff'd* CRAB 1993). This appeal must be dismissed as untimely.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD



Uyen M. Tran  
Assistant Attorney General  
Chair  
Attorney General's Appointee

*Did not participate*

Nicolle M. Allen, Esq.  
Governor's Appointee



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

Date: November 18, 2024