

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Dawn Striker,**  
Petitioner,

No. CR-25-0409

v.

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

**ORDER OF DISMISSAL**

Petitioner Dawn Striker appeals from a decision of the Massachusetts Teachers' Retirement System (MTRS) excluding Ms. Striker from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). MTRS has filed a motion to dismiss, which Ms. Striker has opposed. In this procedural posture, the assertions in Ms. Striker's pleadings are taken as true. *See White v. Somerville Ret. Bd.*, No. CR-17-863, at \*5 (Div. Admin. Law App. Nov. 16, 2018).

Retirement Plus entitles participants to advantageous retirement calculations. In return, they make enlarged retirement contributions of 11%. The program was created by the Legislature in 2001. Individuals who were then already teachers were required to "elect" to participate in Retirement Plus during the first half of that year. *See* Acts 2000, c. 114, § 2. There is no dispute that Ms. Striker filed no timely election.

Adjudicative bodies generally lack the power to make exceptions to statutory deadlines. The rule is therefore that "the deadline for filing an election to [Retirement Plus] cannot be enlarged." *Gabrielian v. Massachusetts Teachers' Ret. Syst.*, No. CR-23-64, 2025 WL 2322617, at \*3-4 (Contributory Ret. App. Bd. June 23, 2025). This rule comports with the more general

principle that duly enacted statutes apply equally to people who have received no personalized information about them. *See Awad v. Hampshire Cty. Ret. Bd.*, No. CR-08-621, 2014 WL 13121791 (Contributory Ret. App. Bd. Dec. 19, 2014).

The so-far-unique precedent of *Davey v. Massachusetts Teachers' Ret. Syst.*, No. CR-01-914 (Contributory Ret. App. Bd. Jan. 31, 2003), may be read as allowing for belated enrollment in Retirement Plus where a member received no notice about the program's enactment *and* was an "inactive" member during his or her enrollment period. Ms. Striker describes certain facts that led her to reside during 2001 at an address other than the one she had provided to MTRS. The case law has not viewed such circumstances as involving deficient "notice" to the member. *See Roldan-Flores v. Massachusetts Teachers' Ret. Syst.*, No. CR-18-311, 2020 WL 14009727, at \*1 (Contributory Ret. App. Bd. Dec. 10, 2020). Regardless, Ms. Striker does not claim that her membership was "inactive" during the pertinent period.

Ms. Striker explains that she misinterpreted her pay slips over the years, believing incorrectly that she was already participating in Retirement Plus. But a member's sympathetic circumstances cannot trump her statutorily defined entitlements. *See Bristol Cty. Ret. Bd. v. Contributory Ret. Appeal Bd.*, 65 Mass. App. Ct. 443, 446, 450-51 (2006). Nor can a member's reliance on any confusing or misleading information from her employer or board. *See Clothier v. Teachers' Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010). It also is not material to this proceeding whether teachers other than Ms. Striker have been allowed to join Retirement Plus, and in which circumstances. *See Sarno v. Massachusetts Teachers' Ret. Syst.*, No. CR-07-253, at \*6-7 (Div. Admin. Law App. Oct. 29, 2010). The only question presented here is whether Ms.

Striker is entitled to join Retirement Plus under the enrollment criteria established by the Legislature. Taken as true, Ms. Striker's pleadings do not demonstrate such an entitlement.

In view of the foregoing, it is hereby ORDERED that the motion to dismiss is ALLOWED and the appeal is DISMISSED.

Dated: November 21, 2025

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

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