

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Kimberly Surette,
Petitioner,

Docket No.: CR-24-0709

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

The Petitioner appealed the State Board of Retirement's decision regarding her son's beneficiary information; her son was a member of the state retirement system. The case was stayed to allow the parties time to figure out issues related to probate court. On May 14, 2025 the Division of Administrative Law Appeals (DALA) asked the parties to file a joint status report by August 29, 2025. When one was not filed, on September 8, 2025, DALA again asked the parties for a status report. The next day, the Board indicated that it had not been in communication with the Petitioner and asked for more time to report. I asked the parties to report back by October 10, 2025. On that day, only the Board responded. It said it had not communicated with the Petitioner since September 18, 2025 and calls and e-mails were unreturned. On October 14, 2025, I asked the Petitioner to file a status report, this time by October 24, 2025. No status report was filed, nor did she otherwise contact DALA.

I then issued an Order to Show Cause on October 27, 2025 asking for a response by November 28, 2025. I indicated the matter would be dismissed if she failed to provide a valid explanation for her failure to contact DALA. Again, no response was received.

Accordingly, it is hereby ordered the appeal is **dismissed** for failure to prosecute.

Dated: December 5, 2025

Eric Tennen

Eric Tennen, Magistrate
Administrative Magistrate
Division of Administrative Law Appeals
14 Summer Street, 4th floor
Malden, MA 02148
Tel: (781) 397-4700
www.mass.gov/dala