

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Kimberly Sweeney,
Petitioner,

No. CR-26-0290

Dated: September 18, 2026

v.

Massachusetts Teachers' Retirement System,
Respondent.

ORDER OF DISMISSAL

Petitioner Kimberly Sweeney lodged this appeal to challenge a decision of the Massachusetts Teachers' Retirement System excluding Sweeney from the benefits program known as Retirement Plus. *See* G.L. c. 32, § 5(4). In her electronic notice of appeal, Sweeney described the basic factual background. She did not enclose a copy of the decision that she wishes to challenge. She did not respond to inquiries about the decision from DALA's staff.

A prior order advised Sweeney that the allegations in her own notice of appeal suggest that she is not pursuing a viable claim. Apparently, Sweeney missed her statutory deadline to enroll in Retirement Plus. The rule in all or nearly all cases is that "the deadline for filing an election to [Retirement Plus] cannot be enlarged." *Gabrielian v. Massachusetts Tchrs.' Ret. Syst.*, No. CR-23-64, 2025 WL 2322617, at *3-4 (Contributory Ret. App. Bd. June 23, 2025). The only arguable exception concerns individuals who, among other conditions, were "inactive member[s]" of their retirement systems during the election periods. *Davey v. Massachusetts Tchrs.' Retirement System*, No. CR-01-914 (Contributory Ret. App. Bd. Jan. 31, 2003). *See In the Matter of Enrollment in Retirement Plus*, No. CR-21-369, 2023 WL 5332723, at *3 (Div. Admin.

Law App. Aug. 7, 2023). According to Sweeney’s notice of appeal, she was not inactive during 2001: she was “working part-time for [the] Attleboro Public Schools.”

The prior order directed Sweeney to show cause why her appeal should not be dismissed for failure to state a claim. *See* 801 C.M.R. § 1.01(7)(g)(3). The order cautioned Sweeney that her failure to comply would result in dismissal. Sweeney’s filing deadline has expired without her having filed anything further. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

/s/ Yakov Malkiel
Yakov Malkiel
Administrative Magistrate
Division of Administrative Law Appeals