

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Steven J. Sweet,
Petitioner

Docket No. CR-26-0138

v.

Massachusetts Teachers' Retirement System,
Respondent

ORDER OF DISMISSAL

Petitioner Steven J. Sweet appealed the denial by the Massachusetts Teachers' Retirement System (MTRS) of his application to purchase prior service for teaching at Our Lady of Valley Regional School (OLVRS), a non-public school. For a teacher to purchase prior service at a non-public school, Section 4(1)(p) of Chapter 32 of the Massachusetts General Laws requires that "tuition of all such pupils taught was financed in part or in full by the commonwealth[.]" *See also Beaubrun v. Boston Ret. Sys.*, CR-24-0287, 2025 WL 2795818 (Div. Admin. L. App. Sept. 26, 2025) (petitioner not entitled to purchase service credit for employment at the Boston University Early Learning Center without evidence regarding who paid students' tuition). In its evaluation of Mr. Sweet's application, MTRS received information that funding for 7% of the students at OLVRS came from other states.

As the information that MTRS received does not meet the statutory standard that the Commonwealth have financed the tuition of "all" such pupils, I issued an Order to Show Cause seeking evidence that the Commonwealth financed the tuition of all pupils who attended the non-public school. In his response to the Order, Mr. Sweet provided general information about the Uxbridge public school budget but did not respond as to the source of the tuition for students

at OLVRs. Mr. Sweet also presented the text of a bill that is pending in the Massachusetts Legislature that he believes would “remedy this problem for individuals like myself.”

Without evidence regarding the source of the tuition for the students at OLVRs, and in the absence of enacted legislation that would change the requirements of Section 4(1)(p), I must apply Chapter 32 as it is written. *See Haverhill Ret. Syst. v. Contributory Ret. App. Bd.*, 82 Mass. App. Ct. 129, 131 (2012) (agency is tasked only with interpreting and applying the statutory provisions it is charged with administering.); *see also Comm’r of Revenue v. Marr Scaffolding Co.*, 414 Mass. 489, 493 (1993) (agency has no “inherent or common law authority to do anything [and] may act only to the extent that it has express or implied statutory authority to do so”).

Mr. Sweet states that the Order “seems to be a formal process designed to end the appeal process swiftly and without consideration for common sense.” Contrary to this assertion, the Order sought evidence to support the viability of his claim. Without such evidence, I cannot set aside the law in favor of common sense as Mr. Sweet requests. *See Petrillo v. Pub. Emp. Ret. Admin.*, CR-92-731 (Contributory Ret. App. Bd. Oct. 22, 1993) (board does not have “authority to employ an equitable remedy in the face of specific statutory language [to the] contrary”). As Mr. Sweet did not provide evidence about whether the Commonwealth funded the tuition for all the students at OLVRs, I hereby dismiss the Petitioner’s appeal for failure to state a claim. 801 CMR 1.01(7)(g)(3).

Dated: May 22, 2026

/s/ Judi Goldberg
Judi Goldberg
Administrative Magistrate
DIVISION OF ADMINISTRATIVE LAW APPEALS
14 Summer Street, 4th floor
Malden, MA 02148
Tel: (781) 397-4700
www.mass.gov/dala