

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Terese Terrell,
Petitioner

v.

State Board of Retirement,
Respondent

Division of Administrative Law Appeals
14 Summer Street, 14th Floor
Malden, MA 02148
(781) 397-4700
Fax: (781) 397-4720
www.mass.gov/dala
Docket No: CR-22-0071

Date: 6/27/2025

DISMISSAL

Ms. Terrell is seeking Group 2 classification for her job as Recreational Therapist I. On February 12, 2022, she submitted her timely appeal of the Board's January 28, 2022 decision.

On September 30, 2024, the Division of Administrative Law Appeals (DALA) ordered Ms. Terrell to file a pre-hearing memorandum no later than December 6, 2024 and ordered the Board to file its pre-hearing memorandum no later than January 28, 2025. The parties were advised that failure to comply with the pre-hearing order without showing good cause might result in default or dismissal.

On December 6, 2024, Ms. Terrell attempted to file her memorandum but failed to note that she had sent a copy to the Board. DALA rejected the memorandum and directed Ms. Terrell to file a copy of the memorandum with the required notation no later than December 13, 2024.

On January 27, 2025, the Board moved for an extension to file its pre-hearing memorandum. Because Ms. Terrell had not yet filed a compliant memorandum, DALA again ordered her to file her memorandum no later than February 12, 2025 and the Board to file its memorandum no later than March 14, 2025.

Ms. Terrell failed to file her memorandum.

On March 13, 2025, the Board moved DALA to dismiss the appeal for failure to prosecute. 801 CMR 1.01(7)(g)(2); *see also Bucciero v. Revere Retirement Board*, CR-07-543 (Div. Admin. L. App. Sept. 10, 2009) ("Based on your failure to respond in writing in a timely and sufficient manner to the [magistrate's] order the above-captioned appeal is

hereby dismissed with prejudice.”).

On March 14, 2025, DALA ordered Ms. Terrell to file a written response to the motion to dismiss, which could simply be a pre-hearing memorandum, no later than April 16, 2025.

Ms. Terrell failed to file a response to the Board’s motion or a pre-hearing memorandum.

Accordingly, this matter is hereby **DISMISSED**.

DIVISION OF ADMINISTRATIVE LAW APPEALS

/s/ Kenneth J. Forton

Kenneth J. Forton
Administrative Magistrate

Notice sent to: Terese Terrell
 John Durgin, Esq.