

**COMMONWEALTH OF MASSACHUSETTS
CONTRIBUTORY RETIREMENT APPEAL BOARD**

SHERYL TIMES,

Petitioner-Appellant

v.

STATE BOARD OF RETIREMENT,

Respondent-Appellee

CR-21-0290

DECISION

In a decision dated February 16, 2024, an Administrative Magistrate of the Division of Administrative Law Appeals (“DALA”) affirmed the State Board of Retirement’s denial of Petitioner Sheryl Times’ request to pro-rate her part-time work from 1981-1985 and 1988-1989 as full-time creditable service. Ms. Times mailed a notice of appeal to the Contributory Retirement Appeal Board (“CRAB”) which had been postmarked on February 27, 2024. We acknowledged receipt of the appeal on March 6, 2024, and provided both parties with copies of our Standing Order 2008–1 (Standing order Concerning Appeals from the Division of Administrative Law Appeals).

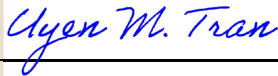
Ms. Times’ supplemental filings were due March 27, 2024. Having not received anything further from the Petitioner, CRAB issued an Order of Conditional Dismissal on May 22, 2024. In our Order we requested a response from Ms. Times “showing good cause for the delay” and provided her fourteen days to do so.

The deadline to respond to our Order expired June 5, 2024. As of the date of this decision we still have not received any response from the Petitioner. Accordingly, this

appeal is dismissed for failure to prosecute.¹

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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Uyen M. Tran
Assistant Attorney General
Chair
Attorney General's Appointee

A black ink signature of Nicolle M. Allen on a white rectangular background.

Nicolle M. Allen, Esq.
Governor's Appointee

Patrick M. Charles, Esq.
Public Employee Retirement
Administration Commission Appointee

Date: July 3, 2024

¹ The adjudicatory discretion to dismiss an appeal is “critical to the orderly and expeditious disposition of cases and the calendar as a whole.” *Bucchiere v. New England Tel. & Tel. Co.*, 396 Mass. 639, 641, 488 N.E.2d 1, 2 (1986). While dismissing a matter exercises the most severe sanction that may be brought against a party prosecuting an appeal, “[l]itigants must act with reasonable diligence to bring their litigation to a final conclusion. Because of the volume of litigation pending before all levels of the judicial branch, it is essential that it devote its time and efforts to those litigants who prosecute their cases with reasonable diligence, and that it deny further consideration of cases which the litigants have unreasonably failed, neglected or refused to prosecute.” *State Realty Co. of Bos. v. MacNeil Bros. Co.*, 358 Mass. 374, 379, 265 N.E.2d 85, 88–89 (1970).

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SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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