

**COMMONWEALTH OF MASSACHUSETTS
CONTRIBUTORY RETIREMENT APPEAL BOARD**

CHRISTINE WALSH

Petitioner-Appellant

v.

MASSACHUSETTS TEACHERS' RETIREMENT SYSTEM,

Respondent-Appellee.

CR-23-0394

DISMISSAL FOR LACK OF PROSECUTION

Petitioner Christine Walsh appeals from an August 25, 2023 Order of an administrative magistrate of the Division of Administrative Law Appeals (“DALA”) conditionally dismissing her petition to join the benefits program known as “Retirement*Plus* (“R+”).” This appeal stems from the magistrate’s August 7, 2023 memorandum clarifying that a petitioner who did not timely elect to enroll in the Alternative Retirement Program, known as Retirement*Plus* (“R+”), by the legislatively set deadline of July 1, 2001, could not join the § 5(4) program at a later date. This applied even to teachers who received no personal notification about the benefit program. As these members were already teachers on the effective date, missed the deadline to enroll in R+ pursuant to G.L. c. 32, § 5(4), and did not qualify for the exceptions noted by the magistrate, these appeals were dismissed by the magistrate for failure to state a claim upon which relief may be granted. 801 C.M.R. 1.01(7)(g)(3).

Ms. Walsh submitted a timely notice of appeal to the Contributory Retirement Appeal Board (CRAB) by email on September 13, 2023. CRAB acknowledged receipt of the appeal. Due to the number of appeals related to this benefit program, on July 11, 2024, CRAB issued an Order Consolidating Appeals and Scheduling Order. In this Order, we asked that each petitioner complete their filing requirements by August 12, 2024.

On September 16, 2024, CRAB issued an Order of Conditional Dismissal. We noted that the Petitioner had failed to comply with CRAB's Standing Order 2008-1 and CRAB's Order of July 11, 2024 and ordered that this case be dismissed subject to the following conditions:

(1) If within fourteen days of the date of this Order appellants file with us a statement of reasons, supported by whatever affidavit or affidavits may be required, showing good cause for the delay, then the dismissal shall be stayed. Any appellee shall have fourteen days thereafter to submit an opposition.

(2) If the chair, in his or her sole judgment and discretion, does not find the appellants' statement of reasons satisfactory, then the stay shall be lifted and the order of dismissal shall become final as of the date notice of the chair's ruling is sent. If the chair, in his or her sole judgment and discretion, finds the appellant's statement of reasons satisfactory, then the appellant shall have fourteen days from the date notice is sent within which to file and serve whatever documents are required to comply with Standing Order 2008-1 ¶ 4.a(3). In all other respects, any conditionally-dismissed appeal that an appellant is authorized by the chair to pursue shall be subject to the requirements of Standing Order 2008-1.

We have not received any further filings from the Petitioner. Ms. Walsh has filed neither the copies of the DALA exhibits, nor the memorandum of law required by our Standing Order, nor made any request for additional time or submitted a good cause explanation for her failure to complete Petitioners' filings. Accordingly, this appeal is dismissed for failure to prosecute.

SO ORDERED.

CONTRIBUTORY RETIREMENT APPEAL BOARD

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Attorney General's Appointee

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Date: April 16, 2025