

**COMMONWEALTH OF MASSACHUSETTS**

**Middlesex, ss.**

**Division of Administrative Law Appeals**

**Stephanie Weston,**  
Petitioner,

No. CR-23-0080

Dated: August 8, 2025

v.

**State Board of Retirement,**  
Respondent.

**ORDER OF DISMISSAL**

After a March 2025 evidentiary hearing, respondent the State Board of Retirement reconsidered the decision that prompted this appeal, reaching the updated determination that petitioner Stephanie Weston is entitled to be classified in group 2 under G.L. c. 32, § 3(2)(g). That development mooted Ms. Weston’s appeal. *See Fannie Mae v. Branch*, 494 Mass. 343, 347-48 (2024); *V.M. v. R.B.*, 94 Mass. App. Ct. 522, 524-25 (2018).

At the parties’ request, the docket remained open for the board to report on its implementation of its revised position. But a June 2025 order cautioned the parties that, given the appeal’s mootness, any missed reporting dates would “likely . . . result in dismissal of the appeal without further notice.” The parties have failed to file a status report by their most recent filing deadline, proposed by them, of July 25, 2025. They have not requested an extension.

Under the best of conditions, proceedings in moot appeals may not necessarily advance the “orderly and expeditious disposition of cases and the calendar as a whole.” *Ivy v. Boston Med. Ctr.*, 97 Mass. App. Ct. 1117 (2020) (unpublished memorandum opinion). *See Anderson v. Sport Lounge, Inc.*, 27 Mass. App. Ct. 1208, 1209 (1989). It would be silly to maintain an open docket where the parties have lost track of or interest in their own no-longer-live controversy. It

is therefore ORDERED that this appeal is DISMISSED based on mootness and failure to prosecute.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate