

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
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Michael Whitney

Docket No. CR-25-0248

Petitioner

v.

Hampden County Regional Retirement System Date: June 6, 2025

Respondent

CONDITIONAL DISMISSAL

Michael Whitney appealed from the Hampden County Regional Retirement System's refusal on March 26, 2025 to treat the pay he received for off-duty care of a K9 dog as regular compensation. I was informed by the Executive Director of the retirement Board that the Board had yet to act on the issue. I sent Mr. Whitney a letter on April 29, 2025 asking him to file a copy of a final decision by the Board, if there had been one. I also informed him that if the Board had not made a final appealable decision, his appeal was premature and would be dismissed.

Mr. Whitney has not subsequently filed a Board decision with the Division of Administrative Law Appeals. I am therefore conditionally dismissing Mr. Whitney's appeal. See 801 CMR 1.01(7)(g)3. The dismissal will become final by June 30, 2025, unless by that date Mr. Whitney files a copy of the March 26, 2025 decision that he is appealing (and it is a final, appealable decision by the Board).

If, as was represented to me, the Board puts this issue on its calendar and if it issues an appealable decision that is adverse to Mr. Whitney, he may file a new appeal.

If Mr. Whitney accepts this dismissal, he need take no action.

DIVISION OF ADMINISTRATIVE LAW APPEALS

James P. Rooney

James P. Rooney

First Administrative Magistrate

Order sent to: Michael Whitney

Hampden County Regional Retirement System