

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Sandra Willette,
Petitioner,

No. CR-23-0415

Dated: August 8, 2025

v.

State Board of Retirement,
Respondent.

Appearances:

For Petitioner: Sandra Willette (pro se)

For Respondent: Brendan E. McGough, Esq.

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF DECISION

The petitioner worked as a case manager to clients with serious mental illnesses. She spent more than half of her working hours directly helping her clients with their housing, nutrition, medical care, and other necessities. She is entitled to be classified in group 2 under G.L. c. 32, § 3(2)(g).

DECISION

Petitioner Sandra Willette appeals from a decision of the State Board of Retirement (board) denying her application for classification in group 2 under G.L. c. 32, § 3(2)(g). I held an evidentiary hearing on July 14, 2025. Ms. Willette was the only witness. I admitted into evidence Ms. Willette's exhibits marked A-M and the board's exhibits marked 1-4.

Findings of Fact

I find the following facts.

1. Ms. Willette served from 1999 to 2023 as a case manager with the Department of Mental Health (DMH). Periodic revisions of Ms. Willette's formal job title were not accompanied by changes to her duties. (Exhibits 1, A, D; testimony.)

2. Ms. Willette provided practical and emotional assistance to clients with serious, chronic mental illnesses. The clients' diagnoses included schizophrenia, bipolar disorder, and obsessive-compulsive disorder. Without assistance, the clients could not have taken care of their own housing, nutrition, and medical treatment. Most of them were assigned to Ms. Willette upon being discharged from hospitals or psychiatric facilities. They lived in homeless shelters, in the basements of family members' homes, and in various other settings. (Exhibits 1, 2; testimony.)

3. Ms. Willette's work schedule was highly variable. But on average, she spent half or more of her working hours at "outreach meetings," a collective label for one-on-one interactions between Ms. Willette and her clients at or near their homes. Through discussions with the clients, Ms. Willette helped them to identify and refocus on their critical goals. She connected clients to community-based resources, such as churches, meetings of Alcoholics Anonymous, and mental health clinics. She worked with them on breathing exercises and other techniques recommended to them by medical professionals. She showed them how to shop for groceries and write household budgets. She coached a client who could not tolerate loud noises on how to navigate noisy public spaces. She helped another client to prepare a mailable stool sample so that he could be screened for colon cancer. She took care of clients' pressing practical needs—completing applications with them, packing boxes with those who needed to move, and cleaning apartments with those who suffered from compulsive hoarding. (Exhibits 1, L, M; testimony.)

4. During approximately 15% of her time, Ms. Willette accompanied her clients to appointments and meetings. Often, she served as the client's chauffeur; in other instances, Ms. Willette used appointments as opportunities to teach clients how to use public transportation.

The appointments that some clients needed to attend were monthly meetings of their care teams, which included Ms. Willette. She remained with other clients inside their meetings to emotionally support them and to advocate on their behalf. When clients attended treatments such as electroconvulsive therapy, Ms. Willette waited outside the treatment room to collect them upon their release. (Exhibits 1, 2, L, M; testimony.)

5. Ms. Willette devoted a smaller portion of her time to preparing initial and annual assessments of her clients. Meetings with clients geared toward the assessments focused on pinpointing the clients' evolving needs and goals in areas of life such as housing, nutrition, and medical care. On the basis of these discussions, Ms. Willette developed individual service plans, which listed the strategies and community resources that—when available, which they often were not—could potentially benefit the clients. Ms. Willette estimated credibly that assessments took up approximately 100 hours of her work per year, i.e., roughly 5% of her working hours. (Exhibits 2, K; testimony.)

6. Ms. Willette occasionally supported her clients during mental health crises; she was responsible for calming the clients and remaining with them until medical help arrived. The remainder of Ms. Willette's time was devoted to writing progress notes and other clerical or training-related tasks. (Exhibits I-K; testimony.)

7. In anticipation of retirement, Ms. Willette submitted a group classification application to the board, requesting classification in group 2 under G.L. c. 32, § 3(2)(g). The board denied the request. This timely appeal followed. (Exhibits 1, 3, 4.)

Analysis

A public employee's retirement benefits depend in part on the employee's assignment to one of four groups. Group 2 includes individuals "whose regular and major duties require them to have the care, custody, instruction or other supervision of . . . persons who are mentally ill."

G.L. c. 32, § 3(2)(g). Duties that take up more than half of an employee's working hours count as "regular and major" in this context. *See Desautel v. State Bd. of Ret.*, No. CR-18-80, 2023 WL 11806157, at *2 (Contributory Ret. App. Bd. Aug. 2, 2023).

There is no dispute that Ms. Willette's clients belonged to the group 2-eligible category of "persons who are mentally ill." § 3(2)(g). The question presented is whether she engaged in "care, custody, instruction, or other supervision" of the clients during more than half of her working hours.

The largest part of Ms. Willette's job involved her "outreach" meetings, where she counseled clients about their needs and goals, connected them to community resources, worked with them on psychological and practical skills, and physically undertook critical tasks that the clients could not complete on their own. In so doing, Ms. Willette discharged a direct responsibility for the clients' physical and psychological needs; she was engaged in both "care" and "instruction." *See Desautel*, 2023 WL 11806157, at *2; *Sutkus v. State Bd. of Ret.*, No. CR-09-837, at *4 (Contributory Ret. App. Bd. Feb. 17, 2011); *Long v. State Bd. of Ret.*, No. CR-21-0287, 2023 WL 6900305, at *5 (Div. Admin. Law App. Oct. 13, 2023). The board argues primarily that outreach meetings took up only a small portion of Ms. Willette's time; but I have found that the correct figure was 50% or more. *See supra* p. 2, ¶ 3.¹

Another substantial set of duties Ms. Willette performed involved shepherding her clients through important meetings and medical appointments. During the large majority of the pertinent work hours, Ms. Willette remained responsible for the clients' wellbeing through some

¹ The board's estimate rests on Ms. Willette's off-the-cuff responses to a paralegal's telephonic questioning. Ms. Willette refined and clarified her account through careful and credible sworn testimony. *Cf. Battersby v. Boston Ret. Bd.*, No. CR-10-688, 2013 WL 12629445, at *2 (Contributory Ret. App. Bd. Mar. 29, 2013).

combination of “care,” “custody,” and “instruction.” *See generally Sutkus, supra*. On the way to and from meetings and appointments, Ms. Willette was either conveying the clients herself or providing them with training on how to get themselves around. *See Harrington v. State Bd. of Ret.*, No. CR-17-826, at *12 (Div. Admin. Law App. Apr. 2, 2021). During the meetings, Ms. Willette was often in attendance in a supportive and advocative capacity. *See Hackett v. State Bd. of Ret.*, No. CR-24-0044, at *4-5 (Div. Admin. Law App. July 25, 2025). The only portions of Ms. Willette’s time at meetings and appointments that likely did *not* qualify as group 2-eligible work were the periods when she waited in waiting rooms for her clients to complete treatments such as electroconvulsive therapy.

The foregoing points suffice to resolve this appeal. Ms. Willette satisfies § 3(2)(g)’s “regular and major duties” rule through the combination of her outreach meetings (50% or more of her working hours) and her accompaniment of clients to meetings and appointments (approximately 15%, minus some waiting-room hours). It is not necessary to dig more deeply into whether the statutory criteria were also satisfied by Ms. Willette’s other duties, including the “assessment” process of identifying her clients’ needs and formulating ways to meet those needs.²

² *See generally Goodman v. Boston Ret. Bd.*, No. CR-02-1105 (Contributory Ret. App. Bd. Nov. 12, 2003); *O’Neil v. State Bd. of Ret.*, No. CR-23-154, 2025 WL 1529241, at *4 (Div. Admin. Law App. May 23, 2025); *Hurwitz v. State Bd. of Ret.*, No. CR-20-0642, 2024 WL 4345187, at *7 (Div. Admin. Law App. Sept. 13, 2024).

Conclusion and Order

Ms. Willette is entitled to be classified in group 2 under G.L. c. 32, § 3(2)(g). The board's contrary decision is REVERSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate