

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Jason Yagodzinski,
Petitioner

Docket No.: CR-26-0037

v.

State Board of Retirement,
Respondent

Appearances:

For Petitioner: Jason Yagodzinski, pro se

For Respondent: Alison K. Eggers, Esq.

Administrative Magistrate:

Judi Goldberg

SUMMARY OF DECISION

Petitioner appeals the State Board of Retirement's denial of his request to recalculate his accidental disability retirement benefits by retroactively applying the provisions of the Act Relative to Disability Pensions and Critical Incident Stress Management for Violent Crimes. G.L. c. 32, § 7(1) (as codified). Because the statute does not provide for retroactivity and is not remedial in nature, the State Board of Retirement's denial is hereby affirmed.

DECISION

Petitioner Jason Yagodzinski timely appealed the State Board of Retirement's (SBR) denial of his request to recalculate his accidental disability retirement benefits by retroactively applying the provisions of the Act Relative to Disability Pensions and Critical Incident Stress Management for Violent Crimes (the Violent Act Injury Disability law). The parties agreed to have the case decided without a hearing and submitted memoranda and exhibits. 801 CMR 1.01(10)(c). I now enter into evidence Mr. Yagodzinski's Exhibits A-E and the SBR's Exhibits F-K.

Findings of Fact

Based on the documents in the record, I make the following findings of fact:

1. Jason Yagodzinski began working as a State Police Trooper in June 2005. (Ex. G.)
2. He was injured on the job in April 2018. (Ex. B.)
3. As a result of that injury, he retired with accidental disability retirement (ADR) benefits in August 2019. (Exs. B, I.)
4. In January 2026, Mr. Yagodzinski asked the SBR to retroactively apply the provisions of the Violent Act Injury Disability law to his ADR benefits. (Ex. B.)
5. Later that month, the SBR denied his request because he retired with ADR benefits in 2019, well before the Violent Act Injury Disability law's enactment in 2024 and amendment in 2025. (Ex. C.)
6. Mr. Yagodzinski timely appealed from that denial. (Ex. D.)

Analysis

In 2024, the Legislature passed the Violent Act Injury Disability law, which amended Chapter 32 of the Massachusetts General Laws. The Violent Act Injury Disability law created an enhanced accidental disability retirement benefit for certain public employees who become permanently unable to perform the essential duties of their job because of a “violent act injury sustained . . . as a result of, and while in the performance of, [their] duties[.]” G.L. c. 32, § 7(1). The Violent Act Injury Disability law also inserted into Chapter 32 a definition of a “violent act injury” as a “a catastrophic or life-threatening permanent bodily injury sustained as a direct and proximate result of a violent attack upon a person by means of a dangerous weapon, which is used in a manner intended to cause serious injury or death, including, but not limited to, a

firearm, knife, automobile or explosive device.” *Id.* § 1 (as amended in 2025). The Violent Act Injury Disability law initially did not apply to State Police officers. However, the Legislature amended the Violent Act Injury Disability law in late 2025 to, among other things, make State Police officers eligible for the enhanced benefit. 2025 Mass. Acts c. 73, § 23 (codified as amended at G.L. c. 32, § 26(2½)).

Mr. Yagodzinski correctly recognizes that the provisions that the Violent Act Injury Disability law inserted into Chapter 32 apply only prospectively. However, he is asking to have its provisions apply retroactively to his ADR benefits for reasons described below. “Whether a statutory enactment applies prospectively or retrospectively is a question of legislative intent.” *Fleet Nat’l Bank v. Comm’r of Revenue*, 448 Mass. 441, 448 (2007). Unless the Legislature expressly states that it intends for a statute to apply retroactively, “legislation commonly looks to the future, not to the past, and has no retroactive effect unless such effect manifestly is required by unequivocal terms.” *Id.* at 448-49 (citing *Hanscom v. Malden & Melrose Gas Light Co.*, 220 Mass. 1, 3 (1914)) (internal quotation marks omitted). Indeed, “[i]t is only statutes regulating practice, procedure and evidence, in short, those relating to remedies and not affecting substantive rights, that are commonly treated as operating retroactively[.]” *Id.* at 449 (internal citation and quotation marks omitted). *See also Local 589, Amalgamated Transit Union v. Massachusetts Bay Transp. Auth.*, 414 Mass. 323, 328 (1993) (“A statute dealing with substantive rights operates prospectively when there is no clear legislative intent that it be retroactive.”) (internal citations omitted); *Aronson v. Teachers’ Ret. Bd.*, CR-93-954, at *2 (Contributory Ret. App. Bd. May 30, 1995) (change to definition of “teacher” in Chapter 32 created new prospective right “[a]bsent language making the amendment retroactive”).

In this case, the Violent Act Injury Disability law's express language does not include a retroactivity provision that would allow people already receiving ADR benefits to obtain the enhanced benefit. Nor was the Violent Act Injury Disability law a remedial statute; it does not address "practice, procedure or evidence," *Local 589, Amalgamated Transit Union, supra*, but rather created a new substantive right for State Police officers by forging a path towards eligibility for new, additional ADR benefits. *Cf. Smith v. Massachusetts Bay Transp. Auth.*, 462 Mass. 370, 374 (2012) (remedial statutes "chang[e] the procedure for the enforcement of a preexisting right, or add[] to the available means of civil enforcement"); *Gray v. Comm'r of Revenue*, 422 Mass. 666, 670 (1996) (differentiating retroactive application of statute regulating practice and procedure from prospective application of statute to preserve substantive right). Thus, the provisions that the Violent Act Injury Disability law inserted into Chapter 32 in 2024 and 2025 are simply not available to Mr. Yagodzinski because he began to receive ADR benefits in 2019, well before the Violent Act Injury Disability law's enactment.

Mr. Yagodzinski is asking the Division of Administrative Law Appeals (DALA) to find that his exclusion from the enhanced ADR benefit violates equal protection because "[e]xclusion based solely on timing is arbitrary." (Petitioner's Memorandum of Law.) However, DALA does not have jurisdiction to decide constitutional questions. *See, e.g., Maher v. Justices of the Quincy Div. of the Dist. Ct. Dept.*, 67 Mass. App. Ct. 612, 619 (2006) (stressing that courts, not administrative agencies, decide constitutional issues).

Finally, Mr. Yagodzinski asks DALA to apply Chapter 32 "liberally." (Petitioner's Memorandum of Law.) Mr. Yagodzinski's entitlement to retirement benefits and the amount of those benefits depend on Chapter 32 alone. Chapter 32 "defines and limits the benefits to which

. . . retirees are entitled, [and] those benefits are a legal determination that may not be enlarged[.]” *Clothier v. Teachers’ Ret. Bd.*, 78 Mass. App. Ct. 143, 146 (2010).

Conclusion and Order

For the reasons set forth above, the SBR’s denial of Mr. Yagodzinski’s request to recalculate his ADR benefit is hereby affirmed.

Dated: August 21, 2026

/s/ Judi Goldberg

Judi Goldberg

Administrative Magistrate

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