HOUSE DOCKET, NO. 2802 FILED ON: 1/19/2023

HOUSE . . . . . No. 2624

The Commonwealth of Massachusetts

PRESENTED BY:

Steven Owens

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to modernize and streamline contributory retirement appeals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Steven Owens	*29th Middlesex*	*1/19/2023*

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HOUSE . . . . . No. 2624

By Representative Owens of Watertown, a petition (accompanied by bill, House, No. 2624) of Steven Owens relative to appeals to the Contributory Retirement Appeal Board. Public Service.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to modernize and streamline contributory retirement appeals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. The Contributory Retirement Appeal Board codified in Ch. 32 sec. 16(4) is hereby dissolved.

Section 2. Ch. 32 section 16(4)is hereby struck and is replaced by a new Ch. 32 sec. 16(4):

"Right of Appeal to Division of Administrative Law Appeals. On matters other than those subject to review by the district court as provided for in subdivision (3), or other than those which would have been subject to review had the requirement for the minimum period of creditable service been fulfilled, any person when aggrieved by any action taken or decision of the retirement board or the public employee retirement administration commission rendered, or by the failure of a retirement board or the public employee retirement administration commission to act, may appeal to the Division of Administrative Law Appeals as provided for in Ch. 7 sec. 4H, by filing therewith a claim in writing within180 days of notification of such action or

decision of the retirement board or the commission, or may so appeal within fifteen days after the expiration of the time specified in sections one to twenty eight, inclusive, within which a board or the commission must act upon a written request thereto, or within180 days after the expiration of one month following the date of filing a written request with the board or the commission if no time for action thereon is specified, in case the board or the commission failed to act thereon within the time specified or within one month, as the case may be."

The division of administrative law appeals shall hold a hearing within 180 days of receipt of an appeal. After the conclusion of such hearing, the Division of Administrative Law Appeals shall submit to the parties a written decision within 180 days which shall be final and binding upon the board involved and upon all other parties, and shall be complied with by such board and by such parties.

Any person, upon making an appeal involving a disability retirement allowance, shall be permitted to retire for superannuation retirement, if otherwise eligible, pending the decision of the division of administrative law appeals, but in no event shall. such action prejudice the person from receiving any further benefits which the division of administrative law appeals may grant in its decision nor shall the person upon a finding in favor of the employer be required to reimburse the employer for payments made prior to the decision of the division of administrative law appeals.

On appeals involving disability or where medical reports are part of the proceedings, the division of administrative law appeals may request further information from the members of the appropriate regional medical panel or may employ a registered physician to advise them in determination of an appeal.

The division of administrative law appeals shall have the power to subpoena witnesses, administer oaths and examine such parts of the books and records of the parties to a proceeding as relate to questions in dispute. Fees for such witnesses shall be the same as for witnesses before the courts in civil actions and shall be paid from the Appropriation Fund of the division of administrative law appeals.

The division of administrative law appeals shall arrange for the publication of its decisions and the cost of such publication shall be paid from the Appropriation Fund of the division of administrative law appeals.

The division of administrative law appeals shall submit to the commissioner of administration on an annual basis a report on the status of all cases that have been assigned to the division of administrative law appeals for a hearing.

Transition rule for cases pending at CRAB on effective date of this Act.

For all cases pending before the Contributory Retirement Appeal Board on the effective date of this act, the decision of the Division of Administrative Law Appeals shall be deemed final and binding. Any party to the appeal shall be entitled to appeal the decision of Division of Administrative Law Appeals to the Superior Court pursuant to Ch. 30A sec. 14.