

Bond Case Briefs

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Essex Regional Retirement Board v. Swallow

Supreme Judicial Court of Massachusetts, Essex County - January 18, 2019 - 481 Mass. 241 - 114 N.E.3d 581 - 2019 Employee Benefits Cas. 17, 262

Police officers appealed decisions of regional retirement board determining that officers forfeited their pensions through misconduct.

The District Court reversed. The Superior Court Department certified officers' petitions and affirmed District Courts' decisions. Board appealed. The Appeals Court found board's determinations were supported by substantial evidence. Officers sought certiorari review.

The Supreme Judicial Court held that forfeiture of officers' pension allowances was not legally tenable.

Forfeiture of officers' pension allowances was not legally tenable, even though their conduct in connection with their criminal activities was reprehensible, when there were neither factual links, nor legal links between the officers' positions and their convictions; police sergeant was charged with several crimes related to the discharge of his personal weapon, and state trooper pleaded guilty to a charge of using the internet to attempt to coerce and entice a child under the age of 18 years to engage in unlawful sexual activity.