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Plymouth Retirement Board v. Contributory Retirement Appeals Board

Supreme Judicial Court of Massachusetts, Plymouth - December 3, 2019 - N.E.3d - 2019 WL 6486802

Retirement board brought action seeking judicial review of decision by Contributory Retirement Appeal Board (CRAB) requiring plaintiff to collect remittance payments from members of municipal retirement system to obtain creditable service for prior work conducted as permanent-intermittent police officer (PIPO).

The Superior Court Department allowed for up to five years of creditable service without remittance payments to member police officers even if they were being paid and not making contributions to the retirement system, and granted judgment for plaintiff. CRAB appealed, and the case was transferred to the Supreme Judicial Court on its own motion.

The Supreme Judicial Court held that provision expressly discussing PIPO creditable service, considered in context of whole statute, mandated remittance payments by member police officers for past intermittent work to obtain creditable service for prior work conducted as PIPO.