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Hartnett v. Contributory Retirement Appeal Board

Supreme Judicial Court of Massachusetts - September 11, 2024 - N.E.3d - 2024 WL 4138001

Retired public employee sought judicial review of decision by Contributory Retirement Appeal Board (CRAB) which affirmed the Division of Administrative Law Appeals (DALA) administrative magistrate's decision that the anti-spiking provision of the public employee pension statute limited her entitlement to pension benefits.

The Superior Court Department agreed with CRAB that the anti-spiking provision generally would apply, but that to do so would violate employee's vested pension rights. CRAB appealed and employee filed a cross appeal.

The Supreme Judicial Court held that employee's last year of public employment with the state before she left to work in the private sector and the first year of her reemployment with city more than a decade later were not two "consecutive years" within the meaning of the anti-spiking provision of the public employee pension statute.

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