

HOUSE No. 312

By Mr. Carroll of Lynn, petition of Thomas F. Duffy that provision be made for a right of appeal to district courts by persons aggrieved by actions or decisions of contributory retirement boards. Pensions and Old Age Assistance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT PROVIDING FOR RIGHT OF APPEAL TO DISTRICT COURTS BY PERSONS UNDER JURISDICTION OF CONTRIBUTORY RETIREMENT SYSTEMS.

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

1 Section 16 of chapter 32 of the General Laws is hereby amended
2 by repealing subdivision (4), as most recently amended by
3 chapter 422, acts of 1956, and substituting therefor the following
4 new subdivision (4).

5 On matters other than those subject to review by the district
6 court as provided for in subdivision (3) of this section, or other
7 than those which would have been subject to such review had
8 the requirement for the minimum period of creditable service
9 been fulfilled, any person aggrieved by any action taken or de-
10 cision of a board rendered, or by the failure of a board to act,
11 may appeal to the district court within the territorial jurisdic-
12 tion in which he resides by filing therewith a claim in writing
13 within fifteen days of such action or decision of the board, or
14 may so appeal within fifteen days after the expiration of the time
15 specified in sections one to twenty-eight, inclusive, within which
16 a board must act upon a written request thereto, or within
17 fifteen days after the expiration of one month following the

18 date of filing a written request with the board if no time for
19 action thereon is specified, in case the board failed to act thereon
20 within the time specified or within one month, as the case may
21 be. The court, after giving due notice, shall hold a hearing not
22 less than ten nor more than sixty days after the filing of any such
23 claim of appeal. The court shall pass upon the appeal. On ap-
24 peals involving disability or where medical reports or medical
25 testimony are part of the proceedings, the court may employ a
26 registered physician to advise in the determination of an appeal,
27 and any expense therefor shall be paid from the expense fund of
28 the retirement system with which the appellant is affiliated.
29 The court shall have the power to subpoena witnesses, ad-
30 minister oaths and examine such parts of the books and records
31 of the parties to a proceeding as relate to questions in dispute.