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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Richard v. Worcester Retirement Board et al., SJC-08065

DATE: April 14, 2000

The Supreme Judicial Court has ruled that an employee who was injured while travelling from her home to an assigned work site other than her regular office was not in the performance of her duties for the purposes of accidental disability retirement. Doris Richard was a public health nurse who was injured in a car accident while travelling from her home to a school she was required to visit as part of her job duties.

The Court in Richard v. Worcester Retirement Board et al. ruled that the facts that Ms. Richard was required to visit the school without first reporting to her regular office and that she was reimbursed for mileage by the city for travel within the city did not convert her commute into being in the performance of her duties. In line with its prior decision in Namvar v. CRAB et al., the Court ruled that since Ms. Richard was normally required to visit schools at the beginning of the day, she was not in the performance of her duties until she reported for duty at the first school. The Court again recognized that the standard for accidental disability retirement in G.L. c. 32, § 7 is far stricter than that in the Workers' Compensation statute. The Court distinguished this situation from a member travelling between assigned job sites or travelling from the member's regular office to a different job site. The decision also implies that the result might have been different if Ms. Richard was not normally required to report to various schools at the beginning of the day.

This decision points out the importance of retirement boards making a detailed inquiry into the factual circumstances of each disability retirement application and making detailed findings of fact to support the board's decisions. A copy of this decision is attached for your convenience.