

RICHARD J. WILLIS

v.

MAINE STATE RETIREMENT SYSTEM et al.

Submitted on Briefs November 25, 2003

Decided January 5, 2004

Panel: CLIFFORD, RUDMAN, DANA, CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

In a case brought pursuant to M.R. Civ. P. 80C, Richard J. Willis appeals from a judgment entered in the Superior Court (Kennebec County, *Marden, J.*) affirming the decision of the Board of Trustees of the Maine State Retirement System. The Board concluded that two payments that School Administrative District No. 71 made to Willis in 1990 did not qualify as earnable compensation pursuant to 5 M.R.S.A. § 17001(13) (2002). Contrary to the contentions of Willis, the Board did not err in finding that the two payments were not earnable compensation, *Douglas v. Bd. of Trs., Me. State Ret. Sys.*, 669 A.2d 177, 179 (Me. 1996); 5 M.R.S.A. § 17001(42)(B); Willis's due process rights were not denied

when the Board did not complete the appeal within ninety days pursuant to 5 M.R.S.A. § 17451(1)(D) (2002), because that statutory time period is directory and not mandatory, and the statute provides no penalty or remedy if the Board fails to comply within the designated time period, *Anderson v. Comm'r of the Dep't of Human Servs.*, 489 A.2d 1094, 1099 (Me. 1985). Other contentions of Willis are without merit.

The entry is:

Judgment affirmed.

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