

2422.

APPROVAL—BONDS OF BEDFORD CITY SCHOOL DISTRICT, CUYA-HOGA COUNTY, OHIO—\$1,000.00.

• COLUMBUS, OHIO, March 27, 1934.

Industrial Commission of Ohio, Columbus, Ohio.

2423.

SOLDIERS' RELIEF COMMISSION — SERVICES RENDERED TO SOLDIERS' WIDOW, IN EMERGENCY CASE, UNON REQUEST OF COMMISSION MAY BE PAID WITHOUT INDORSEMENT OF VOUCHER OR CERTIFICATE BY SICK PERSON—OPINIONS ATTORNEY GENERAL 1932, VOLUME III, PAGE 1398 FOLLOWED.

SYLLABUS:

The provisions of section 2939, General Code, providing that no part of an allowance made by a soldiers' relief commission shall be paid to any one without the indorsement on the voucher of the person for whom the allowance is intended, does not apply to emergency allowances and such commission may, under section 2941, General Code, establish such reasonable rules which it deems advisable to govern the giving of emergency relief, and where its rules so provide, it could, in a proper case, make payment to a person who was ordered by a soldiers' relief commission to furnish care and nursing service to and for a person entitled to such relief under the provisions of section 2934, General Code, when such person is sick and bedfast and dies before such person indorses the voucher or certificate for such payment.

Opinion reported in Opinions of the Attorney General for 1932, Volume III, page 1398, followed.

COLUMBUS, OHIO, March 28, 1934.

HON. JOSEPH J. LABADIE, *Prosecuting Attorney of Putnam County, Ottawa, Ohio.*

DEAR SIR:—I am in receipt of your letter of February 20th which reads:

“Under Section 2941 of the General Code of Ohio, your office rendered opinion No. 4821 in 1932 providing that the Soldiers' Relief Commission may pay a grocer for food furnished by the grocer on the order of the commission to a person needing immediate relief without the endorsement of such person. The following case has arisen in our county:

A soldier's widow became ill and bedfast. A member of the Soldiers' Relief Commission requested that a stranger take care of this widow, which she did. After a period of six weeks, the soldier's widow died and the woman who took care of her presented a bill to the Soldiers' Relief Commission for payment for services rendered inasmuch as she

had never been paid anything during the life of the sick woman. The bill was turned over to the Auditor's office, which refused to pay same because it had no money appropriated for that purpose. Will you please advise me whether or not such a person furnishing labor for care of a veteran or his widow, upon order of the Soldiers' Relief Commission, can be paid out of the Soldiers' Relief Fund, after the death of the sick person? If not, then anyone caring for a sick soldier or his widow, should demand compensation in advance."

You ask whether or not payment can be made for services for emergency relief granted by the Soldiers' Relief Commission to a veteran's widow after the death of such person, when the voucher or certificate, for such payment, was not endorsed by said person.

You will note that section 2939 of the General Code which provides that such an allowance may not be paid to any person for whom it is intended without the endorsement of such person, refers to the regular monthly allowance provided by the commission, and that section 2941 of the General Code provides for granting of emergency relief to any person entitled thereto, under such rules as it may designate. As stated in Opinion No. 4821 of the Opinions of the Attorney General for 1932, Volume III, page 1398:

"By this provision (referring to G. C. 2941) the commission is given greater latitude in dealing with emergency cases than is given to it by the sections dealing with monthly allowances. In fact, greater latitude is required where immediate relief is needed, as cases may arise in which the persons needing such relief would be physically unable to draw the allowance or to indorse the vouchers therefor."

The crux of the matter seems to be, was there need for emergency relief and whether the service was rendered according to the rules and regulations of the commission and in pursuance of the contract between the commission and the person who performed the service.

Assuming that the situation outlined in your letter in which the Soldiers' Relief Commission provided relief for a soldier's widow who was ill and bedfast and that such relief was granted because of her sickness and was emergency relief, then the payment for such relief would come under the provisions of the emergency relief section, section 2941 of the General Code. Therefore, if the commission acting under the provisions of that section did act, in the case in question, under such rules as it deemed advisable governing emergency relief, it could provide such relief for such veteran's widow while bedfast and in her last sickness and pay for such services rendered to said person, after her death, and such payment could be made out of the Soldiers' Relief Fund.

Respectfully,

JOHN W. BRICKER,

Attorney General.