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RELIEF, SOLDIERS' — PREPARATION OF RELIEF LISTS — DATE OF ELIGIBILITY — ELIGIBILITY ATTAINED AFTER LIST PREPARED; §5901.15 RC — EMERGENCY RELIEF — MAY BE CONTINUED; §5901.12 RC.

SYLLABUS:

1. The first Monday of May is the date fixed by law for the preparation of lists of persons eligible for soldiers' relief. To be placed on such list, a person must fulfill all conditions of eligibility on the first Monday in May.
2. A person who becomes eligible for relief after the list is prepared and before the next annual list is prepared, may be granted emergency relief under Section 5901.15, Revised Code.
3. A person who becomes eligible for relief after the first Monday in May and is granted emergency relief under Section 5901.15, may be granted a monthly award of aid in the discretion of the soldiers' relief commissions under Section 5901.12, Revised Code.

Columbus, Ohio, July 29, 1957

Hon. Hugh I. Troth, Prosecuting Attorney
Ashland County, Ashland, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Under Section 5901.08, Revised Code of Ohio, the residence requirements of veterans for soldiers’ relief are those ‘who have been bona fide residents of the state one year and the county six months . . .’ You will note that in the first part of this code section there is a referral to the first Monday in May of each year. My question is whether the one year and six months period begins after the first Monday in May or whether the residence would begin when the recipient first came to the state of Ohio as a resident without regard to the first Monday of May.”

In my Opinion No. 707, dated July 3, 1957, the general subject of eligibility for soldiers’ relief, under the provisions of Section 5901.08, Revised Code, was discussed. A copy of that opinion is enclosed for your information.

Not considered in that opinion, however, was the question of the status of an individual who becomes eligible for soldiers’ relief under the one year and six months residence requirement at some time after the list of recipients is made up in May of each year.

It is proper to observe initially that the statutory provision here involved, like all welfare legislation, must be given a liberal interpretation in order to effect the evident legislative purpose.

A person otherwise eligible for relief under soldiers’ relief laws, but lacking the necessary residence requirements on the first Monday in May when the list of eligibles is made up, may fulfill the residence requirements after the current list is prepared and before the first Monday in May of the following year. Indeed, it is possible that he may become eligible so far as length of residence is concerned on the day after the list is prepared. In such event, his name would not be added to the list of eligibles, but being eligible, he could be granted emergency relief under Section 5901.15, Revised Code, which reads in part as follows:

“In case of sickness, accident, or great destitution, upon the recommendation of a township or ward soldiers’ relief committee,

the veterans' relief commission may, at any time, grant immediate relief to any person entitled thereto under sections 5901.02 to 5901.14, inclusive, of the Revised Code, under such rules as it designates. * * *

A person who was not eligible for soldiers' relief when the list of eligibles was prepared on the first Monday in May but subsequently became eligible before the first Monday in May of the next year, and after becoming eligible was granted emergency relief under Section 5901.15, Revised Code, may, in the discretion of the soldiers' relief commission, be granted a monthly assistance award under the provisions of Section 5901.12, Revised Code, which reads in part as follows:

"On the fourth Monday of November of each year *and at such other times as are necessary*, the soldiers' relief commission shall meet at the office of the board of county commissioners, or in a suitable room furnished by the county for the purpose, and shall examine carefully the lists and statements of those persons reported by the township and ward soldiers' relief committees, *and all cases not included in such lists*, who, before and during such committees' sessions, have been recommended to the commission for aid under sections 5901.02 to 5901.15, inclusive, of the Revised Code. If the commission is satisfied that any person so recommended is in need of assistance and is entitled thereto under such sections, the commission shall fix the amount to be paid each month to each person or family." (Emphasis added.)

The reference in this statute to "all cases not included in such lists," quite clearly indicates that in granting relief under the provisions of Sections 5901.02 to 5901.15, inclusive, the commission is not limited to those individuals whose names are included on the list made up as of the first Monday in May of each year.

It is therefore my opinion, and you are advised that:

1. The first Monday of May is the date fixed by law for the preparation of lists of persons eligible for soldiers' relief. To be placed on such list, a person must fulfill all conditions of eligibility on the first Monday in May.
2. A person who becomes eligible for relief after the list is prepared and before the next annual list is prepared, may be granted emergency relief under Section 5901.15, Revised Code.
3. A person who becomes eligible for relief after the first Monday

in May and is granted emergency relief under Section 5901.15, may be granted a monthly award of aid in the discretion of the soldiers' relief commissions under Section 5901.12, Revised Code.

Respectfully,

WILLIAM SAXBE

Attorney General