

3529.

THE UNEMPLOYMENT COMPENSATION COMMISSION—
UNITED STATES CIVIL SERVICE COMMISSION—EXAM-
INATION—FIVE POINT PREFERENCE—25% CREDIT AL-
LOWED FOR WAR SERVICE—CIVIL SERVICE COMMIS-
SION OF OHIO SHALL ALLOW SUCH CREDIT.

COLUMBUS, OHIO, January 7, 1939.

The Unemployment Compensation Commission, Columbus, Ohio.

GENTLEMEN: This will acknowledge receipt of your recent letter advising of the situation of Mr. Joseph H. Sassen, of Springfield, Ohio; that he has been placed in the 12th position for the local manager of the Springfield office of the Unemployment Compensation Commission; that he advised your Commission that he is entitled to a 20% credit allowed by statute by reason of his war service, which the Civil Service Commission has refused to allow; that he has substantiated his claim for additional credit by the furnishing of an original letter which he received from the District Manager of the United States Civil Service Commission, Mr. C. W. Paine, dated December 14, 1938, and also the original of his "Discharge from Draft" and "Order of Induction into Military Service of the United States"; and that if he were given the additional 20% allowed by statute to war veterans, he would be in one of the three top positions on the eligible list for consideration in the Springfield manager appointment.

I have noted the copy of letter from the United States Civil Service Commission, which reads as follows:

"In response to your letter of recent date in which you request information as to whether or not special credit for military service may be allowed on a 'Discharge from draft', you are advised that the Commission has ruled that five point preference may be allowed on discharges of this kind, providing the separation has been under honorable conditions."

There is nothing in the law to show that the five point preference is not the full allowance given to war veterans by the United States Civil Service District, and I am assuming that fact.

The Ohio Civil Service Commission has ruled that in order to obtain credit for military service within contemplation of the laws of Ohio, it is necessary that the person claiming military service shall have taken

an oath of allegiance to the United States and have been honorably discharged from military service.

In the Order of Induction into Military Service of the United States is the following:

“From and after the day and hour just named you will be a soldier in the military service of the United States.”

The hour specified was 8:45 and the date the 24th of July, 1918. In the Discharge from Draft there is the following statement:

“This is to certify that Joseph Herman Sassen, Serial No. 276, Order No. 5456, is hereby discharged from the military service of the United States.”

This discharge was dated the 29th of July, 1918, and it also appears on the Discharge from Draft that he was paid the \$60.00 bonus, which every person entering military service received, and he was also paid \$29.00 for the period of his military enlistment.

It is therefore my opinion that Mr. Sassen was inducted into the military service of the United States; that he served a term of enlistment and was discharged for reasons beyond his control, and that he is entitled to the 25% credit allowed by statute by reason of his war service, and that the Civil Service Commission of the State of Ohio should so classify him so that he would be in one of the three top positions on the eligible list for consideration for the Springfield manager appointment.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3530.

APPROVAL, CERTAIN GRANTS OF EASEMENT, STATE OF OHIO, THROUGH CONSERVATION COMMISSIONER, FROM ELEVEN GRANTORS, NUMBERED AND DESIGNATED, LANDS IN RUGGLES TOWNSHIP, ASHLAND COUNTY, OHIO, FOR PUBLIC FISHING GROUNDS.

COLUMBUS, OHIO, January 9, 1939.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval