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1. RELIEF COMMISSION, COUNTY SOLDIERS' — ESTABLISHED TO RENDER FINANCIAL AID UNDER CERTAIN CIRCUMSTANCES TO INDIGENT OR NEEDY EX-SERVICE MEN AND WOMEN OR THEIR DEPENDENTS — CANNOT BE CONSTRUED TO INCLUDE ASSISTING SUCH PERSONS IN MATTERS PERTAINING TO RETURN TO CIVILIAN STATUS OR AID IN ENFORCEMENT OF RIGHTS GROWING OUT OF MILITARY SERVICE.
  
2. NOT AUTHORIZED TO EMPLOY PERSONS AND PAY SALARY OUT OF SOLDIERS' RELIEF FUND — COUNTY COMMISSIONERS — CANNOT APPROPRIATE FUNDS TO EMPLOY SUCH PERSONS TO AID RETURNING VETERANS — EXCEPTION, FINANCIAL HELP TO THOSE ENTITLED TO ASSISTANCE.

## SYLLABUS:

1. The County Soldiers' Relief Commission was established for the purpose of rendering financial aid under certain circumstances to indigent or needy ex-service men and women, or their dependents. It cannot be construed to include assisting said persons in matters pertaining to their return to a civilian status or aid in the enforcement of rights growing out of military service.

2. The County Soldiers' Relief Commission is not authorized to employ a person or persons and pay them a salary out of the Soldiers' Relief Fund and the county commissioners cannot appropriate funds to employ such persons to aid returning veterans, other than providing for financial help to those who require and are entitled to such assistance.

Columbus, Ohio, August 25, 1944

Hon. Raymond O. Morgan, Prosecuting Attorney  
Wooster, Ohio

Dear Sir:

This will acknowledge receipt of your recent communication, which reads as follows:

"The Soldiers' Relief Commission and the Board of County Commissioners have requested me to obtain your opinion on the following questions.

A request has been made to the Soldiers' Relief Commission to appoint or employ a person or persons who would establish and maintain an office for the purpose of advising and assisting all soldiers, sailors, marines, and veterans, together with their parents, wives, widows and children, in connection with their problems and rights for relief or other financial assistance, as well as to assist them in their re-employment, adjustment, and any and all problems arising as a result of their returning from the armed forces of the country or in connection with the maintenance of their families or relatives named above. This office is expected to be a place where they can obtain information pertaining to all rights, privileges and benefits as a result of their service in the armed forces and to assist them in taking advantage of such rights, privileges and benefits.

Section 2933-1, Employment of Investigators Authorized; Compensation, provides in part as follows:

'The Soldiers' Relief Commission is hereby empowered to employ such investigators and clerks as may be necessary to carry on relief work when the necessity arises.'

So far as I know this is the only section in the General Code throwing any light on this question and there is some doubt in my mind whether it was intended that the investigators were to be employed to render the type of service that is contemplated and desired.

I desire your opinion as to whether or not it is legal for the soldiers' Relief Commission to employ a person or persons for such purpose and pay for their services out of the Soldiers' Relief Fund, and also whether or not the County Commissioners can appropriate money to the Soldiers' Relief Fund to be expended by the Soldiers' Relief Commission for such purpose."

Section 2930, General Code, as amended by the 94th General Assembly (119 O. L. 303), provides that each county shall have a "soldiers' relief commission" consisting of three residents of the county and wherever possible one member of said commission shall be a Spanish War Veteran; one a member of the American Legion; and one a member of the Veterans of Foreign Wars or of the Disabled American Veterans of the World War. The Court of Common Pleas shall appoint one commissioner each year who shall serve for a period of three years.

Section 2933, General Code, provides for the appointment by the commission, or on recommendation of a grand jury post if one exists, of three honorably discharged veterans, one of whom may be a wife or widow of a veteran, or if no such person resides therein, a reputable person of such township or ward, and such commission shall perform the duties specified in section 2934, General Code.

The Soldiers' Relief Commission Law was originally enacted for the specific purpose of rendering financial aid to soldiers, sailors and marines of the "Union Army". Over a period of years it has undergone some changes such as amending it to include veterans of subsequent wars; expanding it to include widows of veterans, although they had remarried; substituting the word "needy" for "indigent", and various other revisions to meet current conditions, but at no time did the Legislature deviate from the original purpose and intent, namely, to render financial assistance to those persons coming within the purview of the act. That is the sole purpose of the act as it stands today. The act provides for the collection and distribution of financial help to veterans of all wars in "need" of such help and that is the extent to which it operates. No provision is made and none can be inferred from the language that would include the

activities alluded to in your correspondence, irrespective of the worthiness and laudable intent of the plan.

Section 2933-1, General Code, provides in part as follows:

“The soldiers’ relief commission is hereby empowered to employ such investigators and clerks as may be necessary to carry on relief work when the necessity arises \*\*\*.”

Section 2934, General Code, reads as follows:

“Each township and ward soldiers’ relief committee shall receive all applications for relief under these provisions, from applicants residing in such township or ward, examine carefully into the case of each applicant and on the first Monday in May in each year make a list of all needy soldiers, sailors and marines, and of their needy parents, wives, widows and minor children, including widows of soldiers, sailors and marines who have remarried, but again have become needy widows, who reside in such township or ward, and including the soldiers, sailors and marines of the Spanish-American war, or of the world war and their wives, widows, needy parents, minor children and wards, who have been bona fide residents of the state one year, and of the county six months, next prior to such first Monday in May, and who, in the opinion of such relief committee, require aid, and are entitled to relief under these provisions.”

It will be noted that the above section provides for relief to “needy” persons, as enumerated therein.

Section 2936, General Code, reads in part as follows:

“On such last Monday in May the commission shall meet and determine from such lists the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, together with an amount sufficient in the judgment of the commission, to furnish relief to any such indigent persons not named on such lists, whose rights to relief shall be established to the satisfaction of the commission.”

Said section specifically provides that the tax is for relief only of those who are “indigent.”

Section 2935, General Code, provides that the township or ward soldiers’ relief committee shall deliver a list referred to in section 2934, General Code, to the county relief commission, together with a financial statement of each applicant.

Section 2936, General Code, provides that the county commission shall determine from such list, "the probable amount necessary for the aid and relief of such indigent persons for the ensuing year, \* \* \*".

Section 2937, General Code, provides for the annual meeting of the county commission, at which time it shall fix the amount to be paid each month to each person or family who has been recommended and who is in need of assistance and entitled thereto.

Section 2938, General Code, provides for the disbursement of funds to the persons entitled to the same, upon vouchers of the county soldiers' relief commission, through the county treasurer and properly authorized by the county auditor.

Section 2939, General Code, provides, in part, for the discontinuance, decrease or increase of any allowance previously granted.

Section 2941, General Code, provides that in case of sickness, accident or great destitution, immediate relief may be granted.

In other words, the "pole star" of the County Soldiers' Relief Commission law is the rendering of financial assistance to those veterans and dependents found to be in need of financial aid.

As pointed out above, the "relief work" alluded to in the act deals entirely with financial assistance to veterans or their dependents. It cannot be construed to include those activities to which you refer.

As the law now stands, the matters set forth in your communication will have to be handled by the various ex-service men's organizations, Red Cross, state and federal bureaus, and not by the County Soldiers' Relief Commission.

Therefore, in specific answer to your questions, it is my opinion that:

1. The County Soldiers' Relief Commission was established for the purpose of rendering financial aid under certain circumstances to indigent or needy ex-service men and women, or their dependents. It cannot be construed to include assisting said persons in matters pertaining to their return to a civilian status or aid in the enforcement of rights growing out of military service.
2. The County Soldiers' Relief Commission is not authorized to

employ a person or persons and pay them a salary out of the Soldiers' Relief Fund, and the County Commissioners cannot appropriate funds to employ such persons to aid returning veterans, other than providing for financial help to those who require and are entitled to such assistance.

Respectfully,

THOMAS J. HERBERT  
Attorney General