

The State of South Carolina

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Office of the Attorney General

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July 5, 1989

Mr. Purvis Collins, Director
South Carolina State Retirement System
1122 Lady Street, 2nd Floor
P. O. Box 11960
Columbia, South Carolina 29211

RE: Dual Coverage of Dependents - Nancy S. Frye

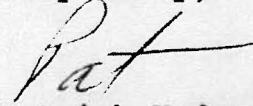
Dear Mr. Collins:

Thank you for your letter of May 22, 1989 regarding the protest by Nancy S. Frye concerning an administrative decision of the Retirement System. You have asked that I review the Retirement System's decision and determine if its interpretation and application of its policy prohibiting dual coverage of dependents was correct. State law gives considerable deference to an agency's interpretation of its own regulation. Generally, courts do not second guess such interpretations unless clearly erroneous. Upon review of the material you have provided along with your request, it is my advice that the interpretation of the Retirement System is not clearly erroneous. Based on the foregoing, the decision of the Retirement System stands until such time as it is overruled by a court of competent jurisdiction or until the policy in question is modified, or clarified by the appropriate authority.

Mr. Purvis Collins
July 5, 1989
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Please feel free to contact me if I can be of further assistance on this or any other matter.

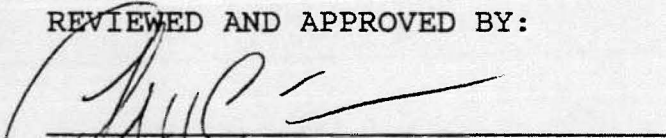
Yours very truly,



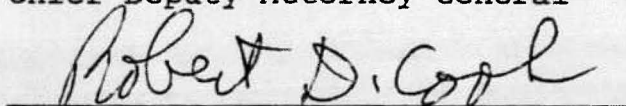
James Patrick Hudson
Deputy Attorney General

JPH/srcj

REVIEWED AND APPROVED BY:



Edwin E. Evans, Esquire
Chief Deputy Attorney General



Robert D. Cook, Esquire
Executive Assistant for Opinions