

1976 S.C. Op. Atty. Gen. 344 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4485, 1976 WL 23102

Office of the Attorney General

State of South Carolina

Opinion No. 4485

October 11, 1976

***1 A person classified by the Railroad Retirement Board as permanently and totally disabled meets the requirements of Section 65–1522.1.**

Florence County Auditor

The question presented is whether the Railroad Retirement Board possesses statutory authority to classify a person as totally and permanently disabled for purposes of the Homestead Exemption provided by Section 65–1522.1?

Section 65–1522.1 provides for an exemption for ‘any person who has been classified as totally and permanently disabled by a State or Federal agency having the function of so classifying persons * * *.’

The Railroad Retirement Board is established as an independent agency in the executive branch of the Federal government with certain delegated powers. 45 U.S.C.A. 228j. The Railroad Retirement Act was rewritten in 1974 and included in the responsibilities and duties of the Board is the requirement that it determine whether an individual is entitled to payment for disability. (Section 2, Public Law 93–445).

The Board is further defined as an agency of the United States for purposes of granting immunity to witnesses. ([18 U.S.C.A. 6001](#)).

The Board is therefore an agency of the United States government having the responsibility of determining whether an individual is permanently and totally disabled for purposes of the Railroad Retirement Act and thus meets the requirements of Section 65–1522.1.

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