

1976 S.C. Op. Atty. Gen. 380 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4519, 1976 WL 23136

Office of the Attorney General

State of South Carolina

Opinion No. 4519

November 15, 1976

*1 Honorable Purvis W. Collins

Director

South Carolina Retirement System

Post Office Box 11960

Columbia, SC 29211

Dear Mr. Collins:

This is in response to your letter of March 26, 1976, addressed to Cam Lewis concerning retirement credit for periods of service with the United States Public Health Service.

Section 61–76, 1962 Code of Laws provides in part as follows:

Any member with two or more years of creditable service shall receive additional creditable service for the period of his military service, at the rate of one year of military service for each two years of his creditable service including any period of creditable military service . . .

By Executive Order of the President of the United States, the Commissioned Corps of the United States Public Health Service was declared military service for the inclusive dates July 29, 1945—July 3, 1952. This would appear to make it clear that any employment by the Public Health Service during those years would be considered creditable service. However, this classification appears to have been prompted by considerations of the post war era and should not be extended beyond the original dates. Webster's New World Dictionary defines 'military' as 'of, characteristic of, for, fit for, or done by soldiers or the armed forces.' It is clear when used in its ordinary sense, the word 'military' has reference only to the armed forces and not the civilian services as the Public Health Service.

It is therefore the opinion of this Office that any service with the United States Public Health Service after July 3, 1952, is not creditable service within the meaning of Section 61–76.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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