

1973 WL 26703 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 10, 1973

**\*1 Re: No. 195—Military**

Mr. F. E. Ellis  
State Director  
Personnel Division  
700 Knox Abbott Drive  
Cayce, South Carolina 29033

Dear Mr. Ellis:

In your letter dated March 27, 1973, you requested that we interpret for you Sections 44-168 and 44-861 of the South Carolina Code of Laws, as amended, in order to resolve the apparent conflict between those two statutes. As the enclosed will reveal [see, Letter from Everett N. Brandon to William J. McLeod, April 24, 1968], we had concluded some time ago that what now constitutes Section 44-168 of the Code Supplement was impliedly amended by what is now designated Section 44-861 in the Supplement. National Guardsmen are only entitled to have military leave without loss of pay, etc. for a period not exceeding fifteen days in any one year for training and military leave not to exceed thirty days for service during emergency.

You also ask that we advise you as to whether or not the fifteen-day leave time which Guardsmen and others may take for training and other purposes must involve consecutive days. Inasmuch as there is no express requirement set forth in Section 44-861 that the fifteen-day period involves fifteen consecutive days, it cannot properly be construed that period means fifteen consecutive days. Cf., Letter from Timothy G. Quinn to Walton J. McLeod, III, April 4, 1973.

Sincerely,

C. Tolbert Goolsby, Jr.  
Deputy Attorney General

1973 WL 26703 (S.C.A.G.)

---

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.