

1973 S.C. Op. Atty. Gen. 117 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3509, 1973 WL 20969

Office of the Attorney General

State of South Carolina

Opinion No. 3509

April 9, 1973

***1 Re: Contributions for Prior Military Service Credits**

Honorable Purvis W. Collins
Director
S. C. Retirement System
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have asked for an opinion concerning the basis for determining the amount of contributions to be paid by members of the South Carolina Retirement System claiming credit for prior military service. Specifically, you have asked how such contributions are to be computed in the following case. 'A' joins the South Carolina Retirement System on 1 January 1973. He had previously been employed by 'County X' which is an employer under the System but elected not to join the System at that time. Subsequent to his employment by 'County X' he became a member of the armed services and after a normal period of service received an honorable discharge. Upon discharge he became an employee of the State and now claims prior service credits both for his county employment and his military service.

According to the provisions of the law, 'A' must make the payments to the System he would have been required to make for the period to be credited as prior service together with the regular interest which would have been credited thereon from the date the contributions would have been made to the date of actual payment by the member. The amount of the payments is to be determined on the basis of 'A' is carnable compensation at the time he first became a member of the system, i.e., January 1, 1973, in this example. See Section 61-76, Code of Laws of South Carolina (1962), as amended.

On the basis of the foregoing, it is the opinion of this office that contributions for prior creditable military service are to be computed on the basis of the member's carnable compensation at the time he actually became a member of the System for the first time.

Yours very truly,

Randall T. Bell
Assistant Attorney General

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