

1972 S.C. Op. Atty. Gen. 163 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3332, 1972 WL 21438

Office of the Attorney General

State of South Carolina

Opinion No. 3332

June 27, 1972

*1 1. The post high school technical education benefits provided by Section 22–56 of the Code of Laws of South Carolina, as amended in 1972, are not limited to children of Vietnam War Veterans but extend to eligible children of all veterans provided for in this section.

2. It is for the State Board of Education to define “child” or “children” eligible for and with the authority specifically granted to the board by Section 22–56

Director

Department of Veterans Affairs Columbia, S.C.

Thank you for your letter requesting an opinion from this office on the scope of Section 22–56 of the Code of Laws of South Carolina, as amended in 1972. You asked specifically if the provision for post high school technical education added this year is limited solely to the children of Vietnam War veterans who were disabled, missing in action, etc. In addition, you asked for a definition of “children” or “child” as meant by Section 22–56.

Unable to find evidence to the contrary, I do not feel that the post high school technical education benefits provided by Section 22–56 are limited to children of Vietnam War veterans. As a general rule, courts liberally construe general welfare litigation such as Section 22–56; and, therefore, coverage of the technical education benefits would in my opinion extend to eligible children of all veterans provided for in this section. (See Sutherland Statutory Construction, Chapter 72, General Welfare Legislation).

As for the definition of children eligible for aid under Section 22–56, the statute leaves this up to the State Board of Education with the limitation that the applicant be “in need of such financial assistance”. Thus, it would be for the State Board of Education to define “child” or “children” eligible for aid with the authority specifically granted to the Board by Section 22–56 and more generally by Section 21–45(10), which empowers the Board to “[a]ssume such other responsibilities and exercise such other powers and perform such other duties as it may be assigned to it by law....”

Hardwick Stuart, Jr.

Assistant Attorney General

1972 S.C. Op. Atty. Gen. 163 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3332, 1972 WL 21438