

1980 WL 121000 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 12, 1980

*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

2nd Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to whether a member of the South Carolina National Guard qualifies for the State Deferred Compensation Plan. In the situation in question, the member of the Guard receives drill pay checks issued by the State of South Carolina. It has been held that even though some federal funds are used to subsidize State National Guard salaries, the guardsmen are considered state employees for some, if not all, purposes; [Amantia v. Cantwell, 213 A.2d 251 \(N.J. 1965\)](#). Based on this case and the fact that the guardsman receives his drill pay by a state check, it is the opinion of this Office that such persons would be eligible to participate in the Deferred Compensation program.

Sincerely yours,

Kenneth P. Woodington

Assistant Attorney General

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