

1980 WL 121034 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1980

*1 Purvis W. Collins
Director
S.C. 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 and are even eligible for membership in the Retirement System of the state involved; [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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