

1978 WL 34613 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1978

***1 RE: Ms. Linda Lemmon, ARN-266138**

Purvis W. Collins
Director
South Carolina Retirement System
Bankers Trust Tower
P.O. Box 11960
Capitol Station
Columbia, South Carolina 29211

Dear Mr. Collins:

The above-named member was last employed in 1973. In June, 1977, she withdrew her contributions to the Retirement System. Her father presently claims that she was mentally incompetent at the time of the withdrawal and that she should be permitted to repay her contributions to the System. If such repayment is permitted, Mr. Lemmon would submit a disability retirement application on behalf of his daughter.

It is the opinion of this Office that the latter transaction is barred by the terms of [§ 9-1-1540, 1976 Code](#) of Laws. That section provides that 'any member in service' may apply for retirement upon disability. Since Ms. Lemmon did not apply for disability retirement while she was in service, she may not now do so under the clear language of the statute. Such being the case, it is unnecessary to reach the question of whether she may repay her contributions, since no useful purpose would be served by doing so.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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