

1974 WL 27601 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 18, 1974

***1 Re: S. C. Retirement System Carolyn C. Bruner Active No. 76481 Ret. No. 14926**

Hon. Archie Beattie
Probate Judge
The Probate Court of Lee County
Bishopville, South Carolina 29010

Dear Mr. Beattie:

You have inquired as to the status of Mrs. Carolyn C. Bruner with respect to membership in the South Carolina Retirement System. Specifically, you feel that Section 61-32 of the Code of Laws of South Carolina is applicable in establishing her eligibility to again become a member of the System upon return to active service from retirement.

You are correct in stating that Section 61-32 has not been repealed. Nevertheless, that general section is superceded to the extent of any inconsistency by Act No. 134 of the Acts and Joint Resolutions, which was enacted by the 1973 legislature and signed into law on April 6, 1973. We have included a copy of this Act for your information. This provision deals explicitly with the return to service of a retired member. You will note in Section 2, the third paragraph, that should a beneficiary 'who has been restored to active employment continue in service for a period of forty-eight consecutive months, . . . he shall again become a member of the system and contribute thereafter . . .' Renewed membership in the System is quite clearly conditional upon forty-eight months of service. It is, therefore, the opinion of this office that, under the circumstances you describe, Mr. Bruner is ineligible to again become a member of the System until after forty-eight months from the date she returned to active service.

We regret that Mrs. Bruner is prohibited from again entering the Retirement System; however, it is our opinion that the law requires such a result.

Please contact us if we can be of further assistance to you.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

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