

SOLDIERS' BONUS: Right of veteran to receive bonus with what exemption.

8.13

August 3, 1934



Honorable H. W. Brown  
Adjutant General  
Jefferson City, Missouri

Dear Mr. Brown:

Your request for an opinion dated July 28, 1934 is as follows:

"Your opinion is requested as to whether a veteran would be entitled to receive a Bonus from Missouri if he claimed exemption on the grounds of 'agriculture and maintenance of a dependent sister.' He served in the army four months and was discharged because he was engaged in agriculture."

Article IV Section 44b Missouri Constitution provides:

"The General Assembly shall have power, for purposes of paying to each bona fide resident of the State of Missouri who served honorably in the military or naval forces of the United States of America at any time between the sixth day of April, nineteen hundred and seventeen, and the eleventh day of November, nineteen hundred and eighteen\* \* \* \* provided no person shall be entitled to receive the bonus herein provided who was not a bona fide resident of the State of Missouri at least during the twelve months prior to the sixth day of April, nineteen hundred seventeen, or who has received a state bonus from any other state in the Union."

The Legislature, pursuant thereto, did pass a law and Section 9 of said law as amended by laws of 1931, page 140, provides:

"It shall be the duty of the adjutant-general to determine as expeditiously as possible the persons who are entitled to the payments under this act and to make such payments in the manner herein prescribed. Applications for such payment shall be filed with the adjutant-general on or before December 31, 1932, and at such place or places as the adjutant-general may designate and upon blanks furnished by the adjutant-general: Provided further, the adjutant-general shall have the power to adopt all proper rules and regulations not inconsistent herewith to carry into effect the provisions of this act; and provided further, that all officers of the state or any county and any city or town herein are hereby directed to furnish free of charge, in writing, any information that the records in his office may disclose relative to the identity, place and period of residence and the war service of any soldier claiming a payment under this act, whenever such information is required by the adjutant-general of any person making an application for such bonus or any part thereof; and any application for bonus heretofore filed and rejected may be filed before the adjutant-general and by him again heard; and if it appears that the rejection of the claim was erroneous, the rejection may be set aside, and the claim allowed and paid; and provided further that no department of the state government shall employ any clerks for the purpose of carrying out the provisions of this act, except the adjutant-general shall employ an examiner of soldier bonus claims and one stenographer for the handling of claims."

We find nothing in the Constitution or Act pursuant thereto that specifically excludes those who claimed and were allowed exemption from service after having served a portion

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of time honorably as soldiers.

It is our opinion such a retirement from the service could not be said to be in law dishonorable so long as the applicant is possessed with an honorable discharge which shows upon its face that said veteran served between April 6, 1917 and November 11, 1918. All veterans who served honorably within the purview of the Constitution and statutes pursuant thereto, were discharged with an honorable discharge. No veterans should claim without evidence of an honorable discharge paper, which is readily recognizable. Proof of honorable service without proof of an honorable discharge is not within the contemplation of the Constitution and statutes pursuant thereto, and such claims should be disallowed.

Respectfully submitted,

Wm. ORR SAWYERS  
Assistant Attorney General.

APPROVED:

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ROY McKITTRICK  
Attorney General.

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