

OLD AGE PENSIONS:

Applications for assistance should be dated on the day actually received by the county board, and compensation, if any, should commence on the first day of the month following that on which the application was actually received.

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December 11, 1935 12-11

Miss Reba E. Choate  
Assistant Commissioner Old Age  
Assistance Division  
Jefferson City, Missouri



Dear Madam:

This will acknowledge receipt of your request for an opinion, which reads as follows:

"During the month of September the St. Louis Old Age Assistance Board received 3,100 applications. On September 28 the St. Louis office closed its office and refused to take any applications. It was November 4 before we could persuade them to reopen. The St. Louis office now asks if it may date all applications back to September 28.

We have informed the St. Louis office that the applications must be notarized on the day filed and not dated back. They, however, have asked us to request an opinion of your office as to whether or not these applications filed in November can be honored as of September.

May we have an opinion of your office on this matter. "

Section 9 of the Old Age Assistance Act, Laws of 1935, page 310, provides an applicant for assistance shall deliver his claim, in writing, to the county court, in the manner and form prescribed by the State Board. Said section reads as follows:

"An applicant for assistance shall deliver his claim, in writing, to the county board, in the manner and form prescribed by the State Board. All statements in the application shall be sworn to or affirmed by the applicant, setting forth that all facts are true in every material point."

Section 14 of said act provides:

"The assistance, if allowed, shall commence on the first day of the calendar month, following that on which the petition was received by the county board."

It is a fundamental principle of statutory construction that words of common use are to be construed in their natural and ordinary meaning. It is also a cardinal principle that where a statute is plain and unambiguous there is no room for construction. Sections 9 and 14, supra, are plain and unambiguous; Section 9 provides that an applicant shall deliver his claim, in writing, to the county board in the manner and form prescribed by the State Board, and Section 14 provides that the assistance, if allowed, shall commence on the first day of the calendar month following that on which the petition was received by the County Board.

It is, therefore, the opinion of this office that an application for assistance should be dated on the day

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it is actually received by the County Court, that is, the day such application is delivered to the county board by the applicant, and the assistance, if allowed, shall commence on the first day of the calendar month following that on which the petition was delivered to and received by the county board.

Yours very truly,

J. E. TAYLOR  
Assistant Attorney General

APPROVED:

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JOHN W. HOFFMAN, Jr.  
(Acting) Attorney General

JET:LC