

OLD AGE PENSION - Payments due from date of filing application.

g. 26
August 23, 1935



Honorable W. Ed Jameson, President
Board of Managers
State Eleemosynary Institutions
Jefferson City, Missouri

Dear Sir:

We have your request of August 15, 1935 for an opinion, which request is as follows:

"Section 14 of Committee Substitute of Senate Bill No. 7, reads as follows:

'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.'

"For many reasons, it will be very helpful in the administering of this law for us to make our investigation report a part of this application. The pensioner, in that case, would not be entitled to the pension until the investigation had been completed. I am asking your opinion as to whether or not we could do this."

The answer to your question depends upon the particular meaning of the word "received", as contained in Section 14. Under Section 9, an

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applicant for assistance shall deliver his claim in writing to the county board. The application must be sworn to by the applicant. Under Section 6, the qualifications for a pensioner are determined as of the date of making the application. It is apparent from the entire act that the report of the investigation cannot be made a part of the application since the application is a sworn written statement of the applicant, while the investigation, as provided for in Section 11, may be the sworn statement of any number of people.

The Legislature, in enacting the old age pension law, was aware of the fact that it was physically impossible for the administration to investigate all applications at the same time they are filed. In order to allow time for proper investigation before funds were paid, the Legislature inserted Section 14 so that those who are entitled to receive a pension, no matter how long and drawn out the investigation, would receive the pension, when paid, from the date they filed their application.

It is, therefore, the opinion of this office that successful applicants for old age pensions are entitled to receive payments from the date of filing their application with the county board.

Yours very truly,

FRANKLIN E. REAGAN
Assistant Attorney General

APPROVED:

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

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