

BLIND PENSIONERS:

Applicant not living with spouse who has income in excess of six hundred (\$600.00) dollars is entitled to pension.

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July 8, 1942

Mrs. Lee Johnston  
Missouri Commission for the Blind  
102 State Capitol Bldg.  
Jefferson City, Missouri

7-10  
**FILED**

46

Dear Mrs. Johnston:

This will acknowledge receipt of your letter of June 13, 1942, in which you request an opinion as follows:

"Kindly render an opinion on the following question. We have a situation in St. Louis of a blind applicant who is separated from his wife. They have two children who are being cared for at the Farmington Orphans' Home, and for whom the brothers pay expenses.

"This applicant has a wife, from whom he is separated, who is employed as a teacher for \$80.00 per month in Womack, Missouri, for eight months of the year. She lists her two children as partial dependents, and states that she is unable to maintain her blind husband because of debt.

"Does having a separated wife, who is earning more than \$600.00 per year, render an applicant ineligible from the standpoint of income? We have her statement that she is not maintaining him.

"This applicant is employed at the Industrial Aid for the Blind, and was maintained in the Jewish Hospital in St. Louis from August, 1940, to December 28, 1940, receiving free care

July 8, 1942.

while there. His application was filed on November 20, 1940. I understand that according to the law, should his eligibility be proven, he would be ineligible from November 20, 1940, to December 23, 1940, while he was being maintained in this institution."

In Section 9451, Article 1, Chapter 54, R. S. Mo., 1939, the class of persons who are eligible to receive a blind pension is defined. This Section also contains the following proviso:

" \* \* \* \* \* Provided, that no such person shall be entitled to a pension under this article who has an income, or is the recipient, of six hundred (\$600.00) dollars or more per annum from any source whatever, or who owns property, or has an interest in property to the value of five thousand (\$5,000.00) dollars or more, or who lives with a sighted husband or wife who has an income or is the recipient of six hundred (\$600.00) dollars or more per annum from any source whatever or has property or an interest in property to the value of five thousand (\$5,000.00) dollars or more, \* \* \* \* \* " (Underscoring ours.)

It is noted in your letter that the applicant is separated from his wife. Under such a set of facts the foregoing quotation from Section 9451 should govern the allowance of the blind pension.

CONCLUSION

It is the opinion of this writer that if

Mrs. Lee Johnston -3-

July 8, 1942.

the investigation made by the Missouri Commission for the Blind reveals there has been a bona fide separation of this couple, then the blind husband would be entitled to receive a blind pension by otherwise qualifying.

Respectfully submitted,

W. O. JACKSON  
Assistant Attorney-General

APPROVED:

VANE C. THURLO  
(Acting) Attorney-General

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