

December 16, 1965



Honorable Thomas David  
Director of Revenue  
Jefferson Building  
Jefferson City, Missouri

Dear Mr. David:

Harry W. Smith has contacted this office and informed us that he is presently drawing an annuity under the State Employees' Retirement System; that he is 61 years of age and that he is contemplating accepting an appointment in your department; he realizes that he will not receive retirement benefits while employed; however, he is concerned as to whether or not his return to State employment will cause a forfeiture of his present retirement benefits.

Of course we cannot render an official opinion upon his request; however, enclosed is Opinion No. 86, Stone, 8-18-52, which I believe answers his question. Opinion 86 holds that where a teacher acquires a vested right of retirement benefits under the Public School Retirement System he does not forfeit his benefits by continuing to teach after mandatory retirement age.

Mr. Smith, age 61, is not even at mandatory retirement age; further, I am not aware of any provision of the State retirement law which would prevent the resumption benefits after this second employment was terminated.

Very truly yours,

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NORMAN H. ANDERSON  
Attorney General

LCD:df  
Enclosure

cc: Harry W. Smith, Sweet Springs, Mo.  
Mr. Ed Bode, State Retirement System