With regard to your second question, namely, whether an employee who earns an annual salary of $500 or more in one employment, office or position and less than $500 in another shall contribute on the basis of both salaries or only upon the salary of $500 or more, the statute is silent. However, with regard to *computing for retirement purposes* the total service of a member or in *computing final compensation,* P.L. 1954, c. 84, § 39 (N.J.S.A. 43:15A-39) provides:

> ". . . no time during which a member was in employment, office or position, for which the annual salary or remuneration was fixed at less than $500 shall be credited, except that in the case of a veteran member credit shall be given for service rendered prior to January 2, 1955 in an employment, office or position if the annual salary or remuneration therefor was fixed at less than $300. . ."

In replying to your second question, the interpretation to be placed upon the Public Employees' Retirement-Social Security Integration Act must be one which is consistent with the above quoted statutory language and with the section of the act dealing with eligibility.

Accordingly, it is our opinion that an employee may not contribute on the basis of any position where the salary is less than $500.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DONALD M. ALTMAN
Legal Assistant

JUNE 7, 1957

HONORABLE WILLIAM F. KELLY, JR.
President, Civil Service Commission
State House
Trenton, New Jersey

FORMAL OPINION, 1957—No. 5

Re: Determination of Status of Disabled Veteran of World War II

DEAR MR. KELLY:

You have asked whether any changes in Attorney General Formal Opinion 1954, No. 11 are necessitated by Chapter 21 of the Laws of 1957. In that opinion you were advised *inter alia* that under R.S. 11:27-1, where an applicant was inducted into the Armed Forces within 90 days prior to September 2, 1945 and continued in such service for over a year thereafter, and at an unascertained time suffered a disability, such person was not a disabled veteran of World War II because he had not presented "full and convincing evidence" of disability *between* September 16, 1940 and September 2, 1945.

You were further advised that in order for a person to be qualified either as a "veteran" of World War II or "veteran with a record of disability incurred in line of duty" of World War II, it would be necessary for that person to have served at least 90 days between September 15, 1940 and September 2, 1945 or to have incurred a service-connected disability at any point during that time.

Chapter 21 of the Laws of 1957 has amended R.S. 11:27-1 (10). As amended, it defines the period of service necessary to constitute an individual a veteran of World War II as "after September 16, 1940 who shall have served at least 90 days commencing on or before September 2, 1945 in such active service. . .". The obvious intent and result of this amendment is that any person serving at least a 90 day period in the Armed Forces which commenced on or before September 2, 1945 is considered a veteran of World War II for purposes of the Civil Service statutes. To this extent, Formal Opinion No. 11 is hereby amended.

No changes were made in that section of R.S. 11:27-1 which defines "veteran with a record of disability incurred in line of duty" since Formal Opinion No. 11 of 1954 set forth its interpretation. As set forth by the statute, a person seeking status as a disabled veteran of World War II must be,

> "Any veteran as hereinafter defined who is eligible under the United States veterans' bureau qualifications for service-connected disability from World War or emergency service or who is receiving or who is entitled to receive equivalent compensation for service-connected disability arising out of such other military or naval service hereinafter defined . . ."

In other words, in order for one to qualify as a disabled veteran of World War II, one must be not only a veteran as defined in R.S. 11:27-1 but his eligibility for service-connected disability must be acquired from service during the period which the statute defines as constituting World War II service. The only period subsequently specified by the statute relative to World War II is the section of R.S. 11:27-1 quoted earlier in this opinion, i.e., "after September 16, 1940 who shall have served at least 90 days commencing on or before September 2, 1945 in such active service." The intent and effect of this amended language was to add 89 days to the period as it was previously interpreted. Whereas previous to the adoption of Chapter 21 of the Laws of 1957, the statute had been construed to require a minimum of 90 days of service or a service-incurred disability *between* September 16, 1940 and September 2, 1945, the new amendment redefined the period of service sufficient to constitute World War II service as one ending on the 89th day following September 2, 1945. Whatever the total period of military service, the time essential to constitute war service is now fixed by the statute as the 90-day period commencing on or before September 2, 1945.

Accordingly, Formal Opinion No. 11, 1954 is further amended so as to expand the definition of disabled veteran to include those who were in service on or before September 2, 1945, who were disabled not later than 89 days after September 2, 1945, while on active duty, and present the requisite proof thereof.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: DAVID LANDAU
Deputy Attorney General

DL:mc