

than three burners, it is our opinion that such an apparatus is something less than a full cooking facility.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: FRANK A. VERGA
Deputy Attorney General

AUGUST 20, 1959

HONORABLE FREDERICK M. RAUBINGER
Commissioner of Education
175 West State Street
Trenton, New Jersey

FORMAL OPINION 1959—No. 17

DEAR COMMISSIONER:

You have requested our advice as to whether our Formal Opinion of 1958—No. 15 applies to employees of boards of education who enter or have entered the military service.

The answer is yes. The Statute under consideration in the aforesaid opinion is N.J.S.A. 38:23-4, which provides for a leave of absence during a period of active military service for "every person holding office, position or employment, other than for a fixed term or period, under the government of this State or of any county, municipality, school district or other political subdivision of this State." The employees of a "school district" are employees of a board of education. *Falcone v. Board of Education of Newark*, 17 N.J. Misc. 75, 78 (Co. Ct. 1939). Since such employees are expressly covered by the statute in question, the reasoning and conclusions of Formal Opinion 1958—No. 15, which construed the statute as it pertained to employees of the State Highway Department, are equally applicable to employees of a board of education of this State.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: THOMAS P. COOK
Deputy Attorney General