

OPINION
46-226

January 31, 1946 (OPINION)

POOR RELIEF

RE: Allotment From Son in Service Not Poor Relief

Your letter of January 28 has been received and contents of same have been duly noted.

You ask for the opinion of this office on the following state of facts:

'A' had a son in the service and has been receiving an allotment from the government during the period of service by this son. Prior to that, but within the year, this 'A' had received poor aid from another county. Now 'A' applies for poor relief from this county."

The question which you present, as I gather from your letter, is whether or not the allotment "A" received from the government comes within the relief mentioned in section 50-0205. This statute provides:

If any person who has not acquired residence within the state, or within a county within the state, for poor relief purposes, receives any type of poor relief or public assistance or becomes an inmate of any hospital, poor house, jail, prison, or other public institution, or receives any aid or relief from the poor fund of any county, or from funds provided by the state or federal government, the period of time under which residence may be acquired shall begin with the date of the last type of aid or poor relief or other assistance which was given, or the date of discharge from any such government, * * *."

In a sense, the allotment "A" has received is federal money, but he received this by reason of the fact that his son was in the military service of the United States government. Undoubtedly "A" is a dependent of his son; the son is receiving compensation from the government for his services, and part of this compensation, as I understand it, is in the form of an allotment to "A" as a dependent of the soldier. While it is furnished by the federal government, it is furnished not as a gift but as compensation for military services rendered, on the assumption that "A" is a member of the family of the soldier and that by reason of the induction of the soldier into military service, "A" is deprived of his support. For this reason the allotment is made, and while it is sent directly to "A," nevertheless, it is a part of the compensation of the soldier because of his service in the Armed Forces of the United States.

It is my opinion, therefore, that this allotment does not come within the classification of relief mentioned in section 50-0205 so far as to be taken into consideration in establishing residence for poor relief purposes.

NELS G. JOHNSON

Attorney General