

File No. 86412

October 24, 1950

Employees Retirement System of the City of Baltimore
City Hall
Baltimore - 2, Maryland

ATTENTION: Mr. Leo J. Parr, Executive Secretary

RE: John Roppelt, Registry No. 18297

Gentlemen:

From the facts stated in your letter of October 3, 1950, it appears that the above named member of the System joined the System April 3, 1926, and at that time received certain credits for prior service.

Thereafter, on November 16, 1926, he applied for a return of his contributions, stating he had left the employ of the City on September 1, 1926. In 1932 he reentered the System, and asked to be permitted to return his withdrawals and once again receive credit for his prior service. The Board, therefore, at a regular meeting, voted to permit this and wrote him a letter assuring him that if he returned the money previously withdrawn by him, his prior service and membership status would be restored. Mr. Roppelt thereupon redeposited the money withdrawn by him, and remained in the employ of the City until September 1, 1950.

Your letter requests an opinion as to whether or not credit for service prior to 1926 could be legally granted to Mr. Roppelt at this time. It is our understanding that there are, at most, two other cases in this category.

Although it would appear that the action of the Board in 1932 was improper, and should never be repeated, still we have here a case where an employee has been permitted to rely on an apparently official ruling that he would receive certain benefits. He has fully complied with all the conditions set forth in that ruling.

Certainly, after eighteen years of reliance on such an apparently official ruling, it would appear dishonest to change that ruling as to his particular case. It is our opinion that the Board is estopped at this time to change the ruling as to Mr. Roppelt, and that he should be given credit for service rendered prior to 1926.

This opinion is based on the peculiar facts of the particular case,