

Board of Trustees, Employees' Retirement System (cont'd)

Retirement System on October 24, 1949, and was on sick leave without pay from September 15, 1950, until the time of his death.

Section 4, Subsection 2, of the Pension Ordinance, to which you call attention, provides:

"* * * * nor shall the Board of Trustees allow credit as service for any period of more than one month's duration during which the employee was absent without pay."

Allowing Mr. Larkins credit for one month's service without pay brings his creditable service to October 15, 1950, that is, eight days short of one year. We are, therefore, of the opinion that an amount equal to 50% of his average final compensation is not payable to his estate under the Pension Ordinance.

Very truly yours,

/s/ THOMAS H. BIDDISON
City Solicitor

AAD/ev

/s/ ALLEN A. DAVIS

File No. 87216

April 3, 1951

Mr. Charles E. Bichy
Superintendent, Bureau of Receipts
Municipal Office Building
Baltimore - 2, Maryland

Dear Mr. Bichy:

Under date of March 28, 1951, you addressed an inquiry to this office concerning Ordinance No. 106, of the Mayor and City Council of Baltimore, approved December 17, 1947. You specifically ask "whether, under the provisions of this Ordinance, a jobber or dealer can sell wholesale tobacco products in Baltimore City to another jobber without the Baltimore City tax stamps, and if possible, what markings, if any should these goods bear."