

Mr. Philip Wagner, Executive Secretary
Employees Retirement System

(continued)

In that case, the insured executed the assignment two days before he died but it was not filed with the Company until after his death. The court stated that the required notice was for the protection of the Company so that it would not be compelled to pay both the original beneficiary and the assignee, and inasmuch as no time had been specified within which notice was to be given, the receipt of notice after the death of the insured was sufficient under the policy.

We believe that the decision of Flack is controlling in the instant case, and that you may accept the change of beneficiary filed after the member's death.

It should be understood, of course, that our opinion is based wholly on the specific and unusual facts presented by you.

If you have any further questions, please do not hesitate to call.

Very truly yours,

/s/

FRANCIS B. BURCH
City Solicitor

/s/

BLANCHE G. WAHL
Assistant City Solicitor

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