

Chapter 408

Miscellaneous Veterans' and Servicemen's Benefits

408.010

ATTY. GEN. OPINIONS: Meaning of phrase "residents of and domiciled within Oregon," 1952-54, p 62; including prior service in total of months served, 1964-66, p 368.

408.020

ATTY. GEN. OPINIONS: Counting time as a month where veteran has not attended classes the required amount of hours, 1946-48, p 485; eligibility of veteran with a bachelor's degree, 1948-50, p 288; eligibility of officer of United States Coast and Geodetic Survey, 1948-50, p 369; aid under the Fulbright Act as "educational aid under any federal Act," 1948-50, p 448; requirement of classroom attendance before payment of benefits, 1958-60, p 341; including prior service in total of months served; termination of rights to benefits, 1964-66, p 368.

408.025

ATTY. GEN. OPINIONS: Including prior service in total of months served, 1964-66, p 368.

408.040

ATTY. GEN. OPINIONS: Requirement of classroom attendance before payment of benefits, 1958-60, p 341.

408.050

ATTY. GEN. OPINIONS: Requirement of classroom attendance before payment of benefits, 1958-60, p 341.

408.210

ATTY. GEN. OPINIONS: Right to pay during military leave, 1966-68, p 251; authority for military leave without pay, 1966-68, p 319; U.S. Public Health as military duty, (1968) Vol 34, p 11.

408.220

ATTY. GEN. OPINIONS: Veterans' preference for office of county clerk, 1950-52, p 95.

408.230

ATTY. GEN. OPINIONS: Prospective application of this section, 1950-52, p 106.

408.240

ATTY. GEN. OPINIONS: Person elected as county clerk but called into military service before qualifying, 1940-42, p 396; public officer in military service no matter where stationed as eligible to become a candidate to succeed himself, 1942-44, p 51; application to member of Army Specialist Corps, 1942-44, p 60; qualification of legislator elected while serving

in army by taking oath of office before notary of another state, 1942-44, p 108; Governor as authorized to appoint justices of the peace pro tem when elected justice is in military service, 1942-44, p 118; members of the legislature as included in the words "any public officer," 1942-44, p 384; Senate committee on credentials or the Senate itself as having power to declare this law as applied to members of the legislature, inapplicable, 1942-44, p 384; registered elector as constitutionally ineligible to be a candidate for public office by reason of being a commissioned officer in the U.S. Army, 1942-44, p 428; state officer "absent on leave" for service in the armed forces assuming his duties as a state officer when he has been released from the armed service although he is being paid by the army for accumulated leave, 1944-46, p 316; reinstatement of employe who voluntarily reenlisted in the service, 1952-54, p 177; right to pay during military leave, 1966-68, p 251; authority for military leave without pay, 1966-68, p 319.

LAW REVIEW CITATIONS: 28 OLR 332, 348.

408.270

CASE CITATIONS: Baker v. Steele, (1961) 229 Or 498, 366 P2d 726.

ATTY. GEN. OPINIONS: Applicability of section to procedure to be followed where circuit judge takes leave of absence for military service regarding Judges' Retirement Fund, 1942-44, p 203; reemployment of teacher returning from armed service whose contract has expired, 1950-52, p 330; authority for military leave without pay, 1966-68, p 319; right of veteran to retain his position, (1971) Vol 35, p 678.

408.290

ATTY. GEN. OPINIONS: Meaning of the "14 days" provisions, 1950-52, p 219; what constitutes "loss of pay," 1954-56, p 6; employe changing jobs, 1960-62, p 212; construing basis for 15-day limitation, 1966-68, p 100; right to pay during military leave, 1966-68, p 251; authority for military leave without pay, 1966-68, p 319; eligibility for paid military leave if called to duty for more than 15 days, construing six month's prior service, 1966-68, p 352.

408.410

ATTY. GEN. OPINIONS: Department of Veterans Affairs' authority to help pay the salary of county service officers, 1948-50, p 170.

408.420

ATTY. GEN. OPINIONS: Final discharge as herein referred to as including both notice of separation and certificate of discharge from the service and recording both without fee, 1944-46, p 324.

408.440

NOTES OF DECISIONS

This section does not apply to one enlisted in the Oregon State Guard. *Gearin v. Fleckenstein*, (1918) 89 Or 146, 173 P 569.

The obligation of contracts is not impaired by this section. *Pierrard v. Hoch*, (1920) 97 Or 71, 184 P 494, 191 P 328.

The federal statute protecting soldiers from suits during war prevailed over this section, but did not supersede or repeal it. *Id.*

Under this section, court had no jurisdiction to enter foreclosure decree, where owner was enlisted in the military service of the United States, for a term of three years or for duration of war. *Id.*

ATTY. GEN. OPINIONS: Effect of statute upon right of State Land Board to foreclose mortgage, 1920-22, p 268.

408.570

NOTES OF DECISIONS

Where all remedies in state courts have not been pursued, the federal district court will not grant habeas corpus for release of one committed to a U.S. veterans' hospital by a state court merely because the hospital manager is a federal employe, and the hospital a federal institution. *Ex parte Moore*, (1942) 43 F. Supp 886.

408.720

ATTY. GEN. OPINIONS: Providing relief for veterans and methods of disbursing funds, 1946-48, p 503; inclusion of needs of family in determining amount to be paid a veteran, 1952-54, p 190.

