

R. E. Lee Marshall, Esq., City Solicitor (cont'd)

"RESOLVED by the Board of Trustees of the Employees Retirement System of the City of Baltimore that any person claiming a benefit under this System on account of an accidental death or accidental disability occurring in the performance of duty, relative to a member covered by the Workmen's Compensation Law, must obtain an adjudication of his case by the State Industrial Accident Commission under the Workmen's Compensation Law before this Board will consider any claim to benefit under the Employees Retirement System of the City of Baltimore."

It necessarily follows from what has been said heretofore that until a member of the Pension System secures an adjudication of his case by the State Industrial Accident Commission the Board of Trustees cannot determine what, if any, benefits are payable to the member. There is nothing in Article 30 to prohibit the Board of Trustees from adopting this resolution if they so desire. However, such resolution, if adopted, would not have any binding force or effect upon either the present existing Board or any subsequent Board of Trustees.

Very truly yours,

(signed) J. FRANCIS IRETON

Assistant City Solicitor

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