

Mr. Leo J. Parr, Executive Secretary, Employees' Retirement System (cont'd)

requirements of the ordinance, but such contributions shall not be subject to withdrawal by any such persons in the event of their leaving the City service and shall not be considered a part of the contributions of the member to which it is credited except in case of retirement or death while in service."

The above Section of the Pension Ordinance does not establish any status or create any rights which the employee did not already have prior to entering the service. It only preserves the status and rights of employees who were members of the Employees' Retirement System at the time they left their employment with the City to enter the military service.

It is apparent from the facts that this employee was not a member of the System when he entered the military service, and in fact he did not meet the membership eligibility requirement of six months' service with the City. We must, therefore, conclude that Mr. Keary had no status or rights in the System upon becoming employed by the City on November 5, 1947, and that at no time thereafter did he become eligible for credit for the period of military service herein outlined.

Very truly yours,

/s/ THOMAS W. BIDDISON
City Solicitor

/s/ SHIRLEY BRAINOCK JONES
Assistant City Solicitor

B/J/A

File No. 92489

May 4, 1954

Mr. Charles P. Price, Warden
Baltimore City Jail
Madison and Buren Streets
Baltimore - 2, Maryland

Dear Mr. Price:

In your letter to Mr. Biddison, City Solicitor, dated April 28, 1954, you inquire whether it is proper for you to accept the corrected commitments of Chief Magistrate Stanley Scherr, eliminating the word consecutive, in re Morris D. Poole, Jr., commitment in the Baltimore City Jail on the proposition that the original intent of the City Magistrate was for all monetary fines and the one year term levied to run concurrent with the imposition of the jail sentence.