

File No. 92433

May 20, 1954

Mr. Leo J. Parr, Executive Secretary  
 Employees Retirement System  
 City Hall  
 Baltimore - 2, Maryland

RE: Fairfax Brooke, Registry No. 21988  
 Albert S. Swan, Registry No. 40592  
Charlotte P. Swan, Registry No. 35317

Dear Mr. Parr:

Ordinance No. 819, approved October 6, 1953, which amends Section 15 of the Pension Ordinance, provides that:

"Any person who is a member, etc., provided he shall file claim therefor prior to March 1, 1954, with the Board of Trustees \* \* \*."

The three above named members applied for service credits under this Ordinance on March 1, 1954, and such applications were refused by the office of the Employees Retirement System. You have inquired as to whether or not these claims for service should be accepted, in view of the fact that February 28th was on a Sunday.

Technically, the words "prior to" a certain date, e.g. March 1, 1954, would be construed not to include that date, and therefore, in the present case, the last day for filing for the service credit was February 28, 1954, which fell on a Sunday, when the office of the Employees Retirement System was closed. Actually, the office was also closed for business on Saturday, February 27th.

Inasmuch as pension laws are remedial in nature, they should be liberally construed in favor of the persons intended to be benefited thereby. Therefore, members of the System were entitled to every opportunity to file for service credit at any time prior to March 1, 1954, and the fact that the last day for filing, February 28th, was a Sunday when the office was closed, and the further fact that the office was also closed on the next to the last day, Saturday, you are advised that the applications received at the Employees Retirement System Office on Monday, March 1, 1954, should be accepted and honored.

Very truly yours,

/s/ THOMAS H. BIDDISON  
 City Solicitor

/s/ SHIRLEY BRANNOCK JONES  
 Assistant City Solicitor

B/J/a