

File No. 92432

May 21, 1954

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

RE: Robert H. Fulkowski, Registry No. 40834

Dear Mr. Parr:

The facts giving rise to your inquiry in the above case are that Mr. Fulkowski originally became a member of the Retirement System under No. 23377 on June 25, 1937, and his membership continued until October 17, 1940, when he joined the Marine Corps. In August, 1941, he withdrew his accumulated contributions in the Retirement System. He was in the Marine Corps until February 15, 1946, and on May 9, 1946, became an emergency employee in the Bureau of Sewers. His position became permanent effective September 25, 1947, and he joined the System on May 3, 1948. He now claims that when he re-entered the employ of the City on May 9, 1946, he was ignorant of the fact that under Section 4, subsection (6) of the Pension Ordinance he could re-deposit the amount of accumulated contributions which he had withdrawn, and obtain credit for all service rendered under his previous membership in the System, together with credit for his term of military leave.

Section 4, sub-section (6) of the Pension Ordinance pertaining to the rights and status in the Employees Retirement System of persons who leave City employment to go in the military service, reads in part as follows:

"* * * Any such person, during such absence, except as herein otherwise specified, shall retain his status and rights as a member of the Employees' Retirement System of Baltimore City (a) if he has not withdrawn any part of his accumulated contributions, or in the event he has already withdrawn any part, or all, of his accumulated contributions he shall re-deposit with the Employees' Retirement System of Baltimore City, or shall arrange with the Board of Trustees of the Employees' Retirement System of Baltimore City within one hundred and twenty (120) days after he shall have been relieved from active duty or service to re-deposit with the Employees' Retirement System of Baltimore City such contributions, so withdrawn as aforesaid, within such period of time and on such terms and conditions as may be provided by said Board of Trustees, and (b) if within one hundred and twenty (120) days from the time he is relieved from active duty or service, he shall again be actively employed by the City of Baltimore, and (c) if he shall not have previously taken any other employment. * * *"

This Section of the Ordinance is interpreted to mean that the person must either re-deposit within one hundred and twenty days after his release from the