

Opinion No. 51-5456

November 14, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Floyd Santistevan Director, Teacher Retirement Department of Education
Santa Fe, New Mexico

{*165} In reply to your letter of August 8, 1951, in which you request an opinion as to whether "In order for Military service to count for experience toward retirement, must the person have been teaching at the time he is inducted or may there have been an interval between {*166} his teaching experience and the time he is inducted?"

The pertinent part of § 55-1114, 1941 N.M.S.A. (Pocket Supplement) reads as follows:

"And that full time credit may be given to all persons with prior educational service in New Mexico for time served in the Armed Forces of the United States who re-enter educational service in this State after Honorable Discharge from the Armed Services of the United States."

It is my opinion that even though there is a lapse of time between school service and military service, if all of the requirements as are hereinabove specified in § 55-1114, 1941 N.M.S.A. (P.S.) are complied with the man who has entered military service and has returned and re-entered the teaching profession is entitled to service credit.

I trust that this fully answers your inquiry.