

Opinion No. 335.**Public Welfare—W. P. A. Certification.
Pensions, When Not to Be
Considered.**

HELD: Whether or not pension received by veteran or his widow should be considered in determining eligibility for certification to W. P. A. will depend on all the conditions existing in each particular case.

September 21, 1938.

Mr. I. M. Brandjord,
Administrator State Department
of Public Welfare
Helena, Montana

My Dear Mr. Brandjord:

You have advised us that an applicant for certification to W. P. A. employment is the widow of a Spanish American War Veteran and is receiving a pension from the Federal Government in the sum of \$30.00 per month. You request our opinion as to whether or not the pension of veterans of the Spanish American War or of the World War should be taken into account in determining the need of a person for W. P. A. employment.

Section VIII of Part II, Chapter 82, provides:

"For such time as the federal government shall require, it shall be the duty and responsibility of the state and county public welfare department to make all investigations and certifications required by federal employment agencies in respect to the eligibility of employable persons for employment on government emergency work projects."

Section XII of this Part provides:

"The amount of relief assistance granted any person or family shall, subject to the regulations and standards of the state department, be determined by the county department with due regard to the resources and necessary expenditures of the individual or family and the conditions existing in each case, and shall be sufficient to provide each person or family with a reasonable subsistence compatible with decency and health."

It is my understanding that in order to be eligible for W. P. A. employment, the applicant must first be certified as in need under the provisions and standards set forth in Part II of Chapter 82. This is fortified by the fact that the provision for certification by state and county boards is contained in Part II of the Act.

It will be noted that the legislature has provided in Section XII that in determining need under this part, there must be taken into consideration not only the resources and necessary expenditures but also "the conditions existing in each case." I believe this latter clause to be significant in determining eligibility for W. P. A. employment.

W. P. A. employment, as I understand it, is given in lieu of a relief grant. In other words, its purpose is to substitute a gift or grant from public funds with employment to the end that the individual may, in so far as possible, maintain his pride and self-respect. One may have an income which is insufficient to maintain him but because of some conditions existing in his particular case, W. P. A. employment would be more conducive to his maintenance in decency and health than would a grant from public funds. In such case, it would seem, the legislature specifically used the words, "conditions existing."

Therefore, in determining eligibility or need for W. P. A. employment, the board should give consideration to the "conditions existing," in the particular case, and, if, after a consideration of all conditions existing, it be determined that the pension received is insufficient to maintain the applicant in decency and health, and it be further determined that to provide a reasonable subsistence compatible with decency and health, the applicant should have W. P. A. employment, he should be so certified. In such case, the pension should not be a bar to certification.

It is therefore my opinion, under the facts of the case you have given, that the \$30.00 per month pension received by this applicant should not be a bar in determining her eligibility for W. P. A. employment, but under all the facts and the conditions existing in this particular case, she should be certified for W. P. A. employment.