



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Mr. O. J. S. Ellingson
General Manager
Texas Prison System
Huntsville, Texas

Dear Sir:

Opinion No. O-970
Re: Chapman and Thompson
Compensation.

In opinion No. O-751 by this Department, dated May 13, 1939, a copy of which is attached hereto, we held that J. D. Chapman, Gin Superintendent, was discharged effective May 1, 1939, by reason of a resolution adopted by the Texas Prison Board on March 6, 1939, to accept his resignation as of May 1, 1939, and by reason of the fact that you, as Prison Manager, had conveyed to Mr. Chapman notice of such resolution with the request that he comply with same by sending in his written resignation effective May 1, 1939.

On June 9, 1939, you asked us for an opinion as to whether or not Mr. Chapman and a Mr. Thompson were paid in full when they accepted their pay checks up to May 1, 1939, or whether they are due pay beyond that date, your request obviously being predicated upon a resolution by the Texas Prison Board of May 22, 1939, that J. D. Chapman and R. E. Thompson be discharged as of May 1, 1939, which resolution provided that should there be any question as to back pay that the Attorney General be asked to rule on the matter with all facts presented relative to the adoption of the minutes of the Board of March 6, 1939.

Since J. D. Chapman was discharged effective as of May 1, 1939, as pointed out in our opinion of May 13, 1939, he would not be due any pay beyond that date. From the information you furnished us in your letter of June 9, 1939, it appears that the exact action was taken with respect to R. E. Thompson as was taken in the case of J. D. Chapman. Therefore, our opinion of May 13, 1939, would apply equally to R. E. Thompson.

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We therefore hold that under the facts submitted since Mr. Chapman and Mr. Thompson were paid for their services up to May 1, 1939, the Prison System has fulfilled its obligations to them.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

D D Mahon

D. D. Mahon
ASSISTANT

DDM:AMM



APPROVED JUN 17, 1939
George B. Mann
ATTORNEY GENERAL OF TEXAS