

**OPINION
49-201**

August 16, 1949 (OPINION)

VETERANS

RE: Soldier's Bonus

I have your letter in which you request an opinion on the following questions relative to Chapter 236 of the North Dakota Session Laws of 1949. Questions are as follows:

1. To be entitled to receive the adjusted compensation payable to the unremarried widow of a deceased veteran must the deceased veteran's widow be unremarried at the time of endorsing the warrant issued as payment of her claim?

2. If a veteran or a beneficiary has filed an application for adjusted compensation and becomes deceased prior to endorsing the warrant issued as payment of said application should that application be cancelled and a next of kin application be submitted by the next person or persons named in the beneficiaries, as set out in Paragraph 3, Section 2 of Chapter 236 of the 1949 Session Laws of North Dakota?

Chapter 236 of the 1949 Session Laws is entitled, "Veterans Adjusted Compensation Act." The synopsis of the act states, "an act to provide for payment of adjusted compensation to North Dakota veterans . . . and to beneficiaries of such persons"

Subsection 3 of Section 2 provides as follows, "beneficiary in relation to a deceased veteran, means, in the order named:

- a. The surviving unremarried husband or wife;

- b. * * * *

- c. * * * *

- d. * * * *

- e. * * * *

Section 3 provides, ". . . . If the veteran be deceased, payments shall be made to the beneficiary." The legislature specifically defined the beneficiaries and the order in which they come. The legislature also coined a new word in defining the beneficiary of a veteran in the case of a surviving husband or wife by using the word unremarried. This clearly points out that such beneficiary must not be remarried to be eligible to be paid the amount provided for in Chapter 236 of the 1949 Session Laws.

It is, therefore, the opinion of this office that the surviving spouse of the veteran must not be remarried at the time that he or she comes into actual possession of the payment, which would be

receiving the warrant. If they are remarried, they are not a beneficiary as defined in Subsection 3a of Chapter 236, and the beneficiary named next in order may make application.

On question number two where the veteran has not endorsed the warrant so that its proceeds have not become an integral part of his estate, the warrant should be returned and the beneficiary named next in order should make application. A ruling other than that would defeat the intent of the legislature as to the beneficiaries named in order.

WALLACE E. WARNER

Attorney General