

December 29, 1986

OPINION NUMBER 86-751

Honorable Gregory Tarver  
State Senator  
1104 Pierre Avenue  
Shreveport, Louisiana 71103

Dear Senator Tarver:

You have requested an opinion regarding a possible violation of La. R.S. 42:394 concerning leave of absence for officers in the armed forces. La. R. S. 42:394 provides for leave of absence without loss of pay, time, annual leave, or efficiency rating on all days during which one is ordered to duty with troops or at field exercises, or for instruction for periods not to exceed fifteen days in any one calendar year.

It is our opinion that this provision is mandatory and that if any violations occur, the person injured by those violations should seek legal recourse.

Unfortunately, this office serves as counsel for the Teachers' Retirement System, therefore, this office would be in a conflict of interest situation should it proceed to advise your constituent in this matter. Please advise him to seek private legal counsel.

Sincerely,

WILLIAM J. GUSTE, JR.  
Attorney General

BY: \_\_\_\_\_  
DAVID G. SANDERS  
Assistant Attorney General

DGS:vpf