

Mark R. Day, PCinC

National Counselor SUVCW

Oscmbb64@msn.com

26 May 26, 2022

In Response to a request for an opinion originating from Brother Bobby Welch of the Department of Illinois; regarding the following questions

1. Are Past Department Commander Honors awarded to a brother who resigned from that office without fully completing his elected term.
2. Is it the within the purview of the Department Council reject the resignation of an elected officer which have been communicated in writing stating that his resignation from that office is to take effect immediately?

Applicable sections of the C,C,&R pertaining to the above question #1

1. Chapter II Article II Membership Section 1(a).

The membership of the Department Encampment shall be constituted as follows: all Past Commanders-in-Chief, Past Department Commanders, and Past Camp Commanders, in good standing, who have served a full term or having been elected to fill a vacancy have served to the end of that term, the sitting Department Commander, and the sitting Camp Commanders. One delegate from each Camp, whatever its membership and one additional delegate for every ten Brothers, or major fraction thereof, based upon the report for the annual report next preceding the Encampment; and its own elective officers (except Aides). Any Brother serving as Camp Secretary or Camp Treasurer continuously in office for a period of ten years may have conferred upon him the rank of Past Camp Commander with its voting privileges at Department.

Opinion for Question #1

The section of the C&R above clearly states the requirements for being an honors delegate holding membership in the Department Encampment . Among those requirements is the completion of a full term of office states that the membership of a department encampment. **As the brother resigned prior to the end of his term he clearly is not then entitled to the Honors afforded a Past Department Commander (PDC) and should not receive either the badge of a PDC or the Honors which go with that rank.**

Applicable sections of the C,C,&R pertaining to the above question #2

1. Chapter II Article VII, Section(s) 4 & 5
Section 4. **Whenever an elected officer of the Department declares to the Department Council that he is unable to discharge the duties of his office, and until he declares to them the contrary, such duties shall be discharged by the appointment of a temporary officer serving in an Acting capacity, appointed by a two-thirds (2/3) vote of the Department Council. The temporary appointee shall have full authority and responsibilities of that office during the period served.**

Opinion for Question #2

The section of the C&R which deals with the inability of an elected officer to complete his term contains no language that supports any action on the part of the Department Council other than the acceptance of the resignation of this officer in question. Only the person submitting the resignation could rescind it and his statement that the resignation was effective immediately left no doubt as to his desired outcome. The Department Council had no authority under the rules stated in our C,C,R to reject the resignation and should have meet immediately and acted to replace the resigning Department Commander.

In Fraternity, Charity, and Loyalty

Mark R. Day

