E. Scott Pruitt
Attorney General

February 15, 2013

Via Mail and Email
Suzanne McClain Atwood
Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th, Suite 290
Oklahoma City, OK 73103

Re: *Rex Duncan v. State of Oklahoma,* CS-2012-6393
Oklahoma County District Court

Dear Ms. Atwood,

I am writing to confirm your discussions with this office regarding the above referenced case. As you know, this case is a claim brought by Rex Duncan to receive approximately $7,000 in military leave pay while he was on active duty. The case arose after Mr. Duncan did not agree with the finding of the Attorney General's Office in an Opinion he requested (2011 OK AG 16).

It is an unpleasant prospect to deny any one of our honorable men or women in the armed forces any benefit. Yet the Attorney General's Office stands by the Opinion as published. At some point, either our Supreme Court or the Legislature will need to address the issues presented in this situation. General Pruitt absolutely supports our troops and would be more than happy to work with the Legislature to modify the laws (or constitution) if it is the will of the people that the current law in Oklahoma should be changed.

We could appeal this decision, but given the amount involved and in the interest of justice, it is the recommendation of this office that we not appeal.

I appreciate that this is a rather convoluted situation. If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

Tom Bates

Tom Bates
First Assistant Attorney General

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