



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

May 6, 1953

Hon. Wesson Bartlett
County Attorney
Cass County
Linden, Texas

Letter Opinion No. MS-31

Re: The eligibility of a man
who was discharged from the
service prior to December
7, 1941, to be designated
Veteran's County Service
Officer.

Dear Sir:

Your request for an opinion concerning the qualifications of the Veteran's County Service Officer is in part as follows:

"Question 1. Is one qualified whose service was had prior to December 7, 1941, when, by disabilities incurred by injuries in service he was given a medical discharge March 7th, 1941?

"Question 2. Is it a prerequisite that one attend schooling of any type that may have been set out by the Veteran's Affairs Commission prior to his assuming the duties of office?"

Section 2 of Article 5798a-2, Vernon's Civil Statutes, relative to the qualifications of a County Service Officer reads in part as follows:

"They shall be experienced in the law, regulations and rulings of the United States Veterans Administration controlling cases before them, and shall themselves have served in the active military, naval or other armed forces or nurses corps of the United States or Canada during the Spanish American War, World War I or World War II, for a period of at least four (4) months, and have been honorably discharged from such service. . ."

In construing the above statute this office held in Attorney General's Opinion V-269 (1947):

Hon. Wesson Bartlett, page 2 (MS-31)

"A person is not qualified for appointment as Veteran's County Service Officer by a Commissioners' Court unless he has served in the active military, naval or armed forces during the Spanish-American War, World War I, or World War II, for a period of at least four months, regardless of his other qualifications. (Sec. 2, Art. 5798-a-2, V.C.S., Attorney General's Opinion No. 0-6489)."

World War II was declared by a Joint Resolution of Congress on December 8, 1941, at 3:05 p.m. E.S.T. P.L. 331, ch. 564, 77th Congress 1st Session, 1941, U.S. Code Congressional Service 77th Congress, First Session, 1941, page 844.

It will thus be seen that a person whose only enlistment in the Army was July 23rd, 1940, and who was discharged March 7th, 1941, could not have served the required period of at least four months in the Spanish American War, World War I, or World War II, under Section 2 of Article 5798a-2, Vernon's Civil Statutes, and he is not eligible to serve as Veteran's County Service Officer.

Further, you are advised that Section 2 of Article 5798a-2, Vernon's Civil Statutes, relative to educational qualifications of a County Service Officer, provides, "They shall be experienced in the law, regulations and rulings of the United States Veterans Administration controlling cases before them."

Therefore, no particular standard of education is required and no course of study recommended or made essential, but the Commissioners' Court is required to be the employing agency and is alone to be satisfied with the educational qualifications of the applicant. We find no case wherein this provision has been construed by the Courts of Texas.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
B. Duncan Davis
Assistant

BDD:am:wb