



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

July 21, 1960

Mr. J. E. Junker  
County Attorney  
Fort Bend County  
Richmond, Texas

Opinion No. WW-891

Re: Whether a County Clerk is required to furnish to a Veterans County Service Officer of another county a birth certificate without cost, such birth certificate to be used to establish a claim for benefits on behalf of a minor child of a deceased veteran.

Dear Mr. Junker:

Your request for an opinion from this office involves the question of whether a County Clerk is required to furnish to a Veterans County Service Officer of another county a birth certificate without cost, such birth certificate to be used to establish a claim for benefits on behalf of a minor child of a deceased veteran.

Section 3, Article 5798a-2, Vernon's Civil Statutes, states in part:

"The duty of the Veterans County Service Officer . . . shall be to aid all residents of the county . . . who served in the . . . armed forces . . . of the United States during any war or peacetime enlistment, and/or veterans . . . orphans and . . . dependents in preparing, submitting and presenting any claim against the United States . . . for benefits to which they may be entitled under the existing laws of the United States, or of any state, or such laws as may hereafter be enacted, pertinent thereto . . ."

Article 1939a, Vernon's Civil Statutes, reads in part as follows:

"Article 1. Any person, his guardian, or his dependents or heirs at law who is eligible to make a claim against the Government of the United States of America . . . shall upon the request therefor by such person, his guardian, or his dependents, or heirs at law, be furnished without cost a certified and authenticated copy or copies of any instrument, public record or document necessary to prove or establish such claim, which is in the custody or on file in the office of County Clerks, District Clerks and other public officials of this State, by such officials. . . .

"Art. 2. The rights conferred by this Act shall extend to any person, his guardian or his dependents, or heirs-at-law who are eligible by reason of service heretofore or hereafter rendered in the Armed Forces of the United States of America, . . . when such person, his guardian, or his dependents, or heirs-at-law are eligible to make claim against the Government of the United States of America as a result of such service."

Section 93 of 39 Tex. Jur. "Statutes" at page 176 reads in part as follows:

". . . the intention and meaning of the Legislature must be ascertained from the language of the statute read as a whole, . . . If the statutory language clearly and distinctly reveals the legislative intent, there is no occasion to look elsewhere."

Article 1939a is explicit in that County Clerks, District Clerks and other officials must issue without cost certified copies of any instruments, public records or documents necessary to establish proof of claims against the United States for the purpose of obtaining benefits to ex-servicemen, their guardians, dependents and heirs-at-law upon their request.

Further, in Article 5798a-2, Vernon's Civil Statutes, the Legislature clearly defines that the duty of the County

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Veterans Service Officer is "to aid . . . veterans . . . orphans and . . . dependents in preparing, submitting and presenting such claim . . ."

It is the opinion of this office that when the Veterans County Service Officer is requested by veterans, orphans or dependents for aid in preparing a claim under Article 5798a-2, the Veterans County Service Officer has authority to act in their behalf and is entitled to request and receive from the County Clerk of any county in the State of Texas, without cost, certified copies of instruments for the purpose of establishing proof of claim.

SUMMARY

The County Clerk of any county in Texas is required to furnish to a Veterans County Service Officer, without cost, a birth certificate to be used to establish a claim for benefits on behalf of a minor child of a deceased veteran.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Martha Joe Stroud  
Assistant

MJS:mm

APPROVED:

OPINION COMMITTEE  
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REVIEWED FOR THE ATTORNEY GENERAL

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