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1. ARMED FORCES UNITED STATES—ANY INSTRUMENT ISSUED BY MILITARY AUTHORITIES TO MEMBER OF ARMED FORCES, WHICH PURPORTS TO EVIDENCE DISCHARGE, DISMISSAL OR SEPARATION FROM SERVICE, ENTITLED TO RECORD—SECTION 2770, G. C.
2. UNNECESSARY AND IMPROPER TO MAKE RECORD OF STATISTICAL INFORMATION ACCOMPANYING BUT NOT EMBODIED IN CERTIFICATE—MODIFIED BY OPINION 559, NOVEMBER 13, 1945, SEE OPINIONS ATTORNEY GENERAL, 1945, PAGE 715.

## SYLLABUS:

1. Any instrument issued by the military authorities to a member of the armed forces which purports to evidence his discharge, dismissal or separation from service, is entitled to record under the provisions of Section 2770 General Code.

2. It is unnecessary and improper to make a record of statistical information accompanying but not embodied in such certificate. Modified by Opinion 559, November 13, 1945. See Opinions Attorney General, 1945, page 715.

Columbus, Ohio, October 20, 1945

Hon. William A. Ambrose, Prosecuting Attorney  
Youngstown, Ohio

Dear Sir :

I have before me your request for my opinion, reading as follows :

“House Bill No. 375 being an act to amend Sections 2770, 2772 and 2779 of the General Code, relative to the recording of discharges of members of the armed forces, in so far as it is pertinent to this inquiry reads as follows :

‘Sec. 2770. Upon request of any discharged \* \* \* member of the armed forces and presentation of his discharge, the county recorder shall record such discharge in a book to be furnished by the county commissioners for that purpose. There shall be no fee for such recording. \* \* \*

There is no question involved where a discharge has been presented to our Recorder and he has proceeded to record same according to the provisions of this law, but the question does arise when, at the same time in addition to the discharge there is a separate document presented for recording which document is labeled ‘NOTICE OF SEPARATION FROM UNITED STATES NAVAL SERVICE’, and contains thereon certain information concerning the discharged member of the armed forces.

I would appreciate your opinion as to whether or not this notice, being on a separate document as above stated, should be recorded by the Recorder free of charge as being under the purview of Section 2770 above quoted. Inasmuch as there are such documents being offered at this time for recording and our Recorder does not know whether or not they come within this section, I would appreciate receiving your opinion on this at the very earliest possible moment.”

While your question is directed specifically to the matter of recording, in addition to the certificate of discharge, a document entitled "Notice of Separation from the United States Naval Service," I consider it proper, in view of other questions that are likely to arise, to discuss the various documents or papers that may be presented to county recorders for record which purport to evidence the discharge of a person from service in the armed forces. I find upon investigation that in addition to the simple form of a certificate of discharge, the army regulations recognize and employ a variety of other forms which are intended to certify that one's service has been terminated. These various forms, to which specific reference will be made, appear to arise out of the variety of circumstances and conditions under which a soldier, sailor or marine may obtain his release, and the variety of purposes for which the certificate is intended to be used. The forms currently sanctioned for use in evidencing termination of service in the military forces, together with their titles and form numbers, may be listed as follows:

#### I ARMY (Enlisted personnel)

Honorable discharge	WDAGO	53-55
Certificate of service		53-280
Discharge from the Army of the United States (unsatisfactory)		53-56
Dishonorable discharge		53-57
Honorable discharge (upon review)		0528
Certificate in lieu of lost or destroyed discharge certificate		0150-2
Official statement of military service (certificate lost)		Letter

#### IA ARMY (Officers)

Honorable discharge		53-97
Certificate of service and separation		53-98
Discharge from the Army of the United States		53-99
Discharge (unsatisfactory)	Letter	Form
Acceptance of resignation for the good of the service	Letter	Form
Dismissed by court martial	Order	Form
Certificate of honorable discharge (nurses)		178
Certificate of honorable discharge (dieticians, etc.)		179

## II NAVY (Enlisted personnel)

Honorable discharge	NAVPERS 660
Discharge under honorable conditions	661
Undesirable discharge	662
Dishonorable or bad conduct discharge	662b or 662a
Certificate of active service	555
Certificate in lieu of lost or destroyed discharge certificate (white)	663B
Certificate in lieu of lost or destroyed discharge certificate (yellow)	663B
Notice of separation	553

## II.A NAVY (Officers)

Certificate of satisfactory service	
Notice of separation	553
Certificate of active service	NNAV 555
Certificate of naval service	BNP 999

## III MARINE CORPS (Enlisted personnel)

Honorable discharge	NAVMC70-PD
Certificate of discharge under honorable conditions	74-PD
Undesirable discharge	75-PD
Bad conduct discharge	76-PD
Dishonorable discharge	77-PD
Certificate of satisfactory performance of duty	112-PD
Certificate in lieu of lost or destroyed discharge certificate	455 (Rev.1944)
Certificate in lieu of lost or destroyed discharge certificate	455A (Rev.1944)
Report of separation	78-PD

## IIIA MARINE CORPS (Officers)

Letter of separation	Letter form
Certificate of satisfactory performance of duty	NAVMC 112-PD
Report of separation	

## IV COAST GUARD (Enlisted personnel)

Honorable discharge	NAVCG 2510
Certificate of discharge under honorab!e conditions	2510A
Discharge (undesirable)	2510B
Bad conduct discharge	2510C
Dishonorable discharge	2510D
Certificate in lieu of discharge	9553
Certificate in lieu of discharge	9553A
Certificate for former members of the Coast Guard Enlisted Reserve	Letter Form
Report of separation	553

## V COAST GUARD (Officers)

Orders	Letter form
Certificate of satisfactory service	Form number not yet assigned
Report of separation	NAVCG 553

Facsimiles of the above listed forms will be found in a handbook issued by the Director of Selective Service and in the hands of all local selective service boards.

In addition to the above listed forms of discharge or certificates of separation from service, there are prescribed a number of forms which may appear either on the back of the certificate or accompany it on a separate sheet. These are mainly for the purpose of assisting veterans in regaining the employment to which they may be entitled under the GI Bill of Rights, or for finding other employment suitable to their training. In some cases they are used for the purpose of fixing their rights to other benefits provided by law. It is my opinion that no purpose is to be accomplished by recording these pages or documents containing merely statistical information. I am informed that supplementary or statistical papers and memoranda such as you refer to in your communication are being presented to other county recorders in various forms; in some cases manifestly incomplete; written in lead pencil, and unsigned by any military officer. If such statistical matter is embodied in the certificate itself, it should of course be recorded as a part of the certificate.

Section 2770 of the General Code which you have quoted in your letter contains no definition of "discharge". It merely provides for the

recording of the "discharge" of any member of the armed forces, and takes no account of the technicalities of the federal law or military regulations. The recording of the discharge apparently has no purpose except to make a record from which a certified copy may be obtained if needed or desired by the member to whom it has been issued. Also it may save him from embarrassment or trouble in case his original certificate is lost. Nor is the recorder to be concerned with the character of the discharge, whether honorable or otherwise. It may be noted in this connection that all branches of the service recognize the distinction between honorable service and that which is either unsatisfactory or dishonorable. With neither of these distinctions does the law of this state concern itself. Any discharge, whether honorable or otherwise, is entitled to record on presentation.

In my opinion, any instrument issued by the military authorities to a member of the armed forces which purports to evidence his discharge, dismissal or separation from service, is entitled to record under the provisions of Section 2770, General Code. It is further my opinion that it is unnecessary and improper to make a record of statistical information accompanying but not embodied in such certificate.

Respectfully,

HUGH S. JENKINS

Attorney General