



PASUGUAN NG PILIPINAS

WASHINGTON, D.C.

EMBASSY OF THE PHILIPPINES

17 November 2014

Dear **Chairman Runyan**,

I wish to thank the Chairman of the Subcommittee for convening a hearing on *Filipino Veterans Equity Compensation Fund (FVEC): Inquiry into the Adequacy of Process in Verifying Eligibility*, on 20 November 2014. The reforms in the process of verification of eligibility of Filipino veterans have been a long-standing advocacy of the Philippine Embassy and I regret that I will not be able to attend the hearing. I have scheduled an economic diplomacy outreach in Richmond, Virginia weeks ago on 20-21 November.

Nevertheless, I am grateful for the opportunity to submit a written testimony in support of the hearing.

The Embassy has argued since 2011 that there is a need to revisit the Certification Process being done by the National Personnel Records Center (NPRC) in St Louis, Missouri for the following reasons:

1. The NPRC, the agency tasked to certify/verify the military service of Filipino World War II veterans, has arbitrarily denied more than half of those who applied for the one-time lump sum benefit under FVEC. As of September 1, 2014, 25,007 out of 45,991 or 54% of the total number of applicants have been denied compensation.
2. Some veterans were denied due to errors in listing their names or have assumed American names. While their appeals were subsequently approved, we believe there are more similarly situated veterans who did not appeal and may be entitled to compensation. Following are examples:
 - Mr. Gaudencio Pablo was denied by NPRC. He sought the assistance of a Veteran Advocacy Group who researched at the National Archives (NARA) in Maryland College Park. They found his name in one of the Guerrilla Units, got a certification to support his appeal with the Board of Veterans Appeal and was subsequently approved.
 - Mr. Jesse Baltazar, a member of the Philippine Commonwealth Army, a Bataan defender and a Purple Heart Awardee was initially denied. Since he could not find any record, he submitted his own personal records and was approved.

- Mr. Celestino Almeda has been denied many times even after he was able to obtain a record of his back-pay payment from the US Army after the war from NPRC itself.
3. The above examples are contrary to earlier statements by the US Army that its records are accurate as stated in the White House Interagency Report: **Recognizing the Extraordinary Contribution of Filipino Veterans** released July 09, 2013. “The Army's service determinations finalized in 1948 were made during a robust effort in the post-World War II era involving hundreds of Army officials working closely with Philippine authorities, guerrilla unit commanders, and individuals and will not be altered by the United States Army. The results of their work - the authenticated rosters of recognized guerrilla units and individual letters of recognition - remain the basis for all claims presented and adjudicated by various U.S. government agencies since 1948.” (emphasis supplied)
 4. The US Army records were made 66 years ago using technology of that time and listing errors were bound to happen as shown by above instances. Additionally, in the post-war euphoria, soldiers and guerrillas went home to rebuild their lives. In a war-ravaged land with poor communication, many failed to get listed.
 5. We ask that the Certification Process include all available records: NARA & non-NARA, including those coming from the Philippines.

The Filipino veterans, who devoutly served the American Flag during the war, deserve no less.

Thank you for the opportunity to submit this testimony.

Sincerely,



JOSE L. CUISIA, JR.
Ambassador

The Honorable
REPRESENTATIVE JON RUNYAN
Chairman, Subcommittee on Disability Assistance and Memorial Affairs
House Committee on Veterans Affairs
United States Congress



Initiative on Asian Americans and Pacific Islanders

Recognizing the Extraordinary Contribution of Filipino Veterans

Rosye B. Cloud

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05:22 PM EDT

Rosye Cloud is the Director of Policy for Veterans, Wounded Warriors and Military Families at the White House.

In 1941, more than 260,000 Filipino soldiers responded to President Roosevelt's call-to-arms and fought under the American flag during World War II. Many made the ultimate sacrifice as both soldiers in the U.S. Army Forces in the Far East, and as recognized guerrilla fighters during the Imperial Japanese occupation of the Philippines. Later, many of these brave individuals became proud United States citizens. However, because of the Rescission Acts of 1946, most Filipino World War II Veterans did not receive compensation on par with United States veterans for their service to the United States.

President Obama recognizes the extraordinary contribution made by Filipino veterans. The American Recovery and Reinvestment Act of 2009, which the President signed into law, included a provision creating the Filipino Veterans Equity Compensation Fund. Eligible veterans who are U.S. citizens receive a one-time payment of \$15,000; eligible veterans who are not U.S. citizens receive a one-time payment of \$9,000.

To date, we are pleased that over 18,000 claims have been approved. However, many Filipino Veterans still believe that their claims were improperly denied, or that they did not receive a satisfactory explanation as to why their claims were denied. To address these concerns, in October 2012, the White House Initiative on Asian Americans and Pacific Islanders, in collaboration with the Office of Management and Budget and the Domestic Policy Council, created the Filipino Veterans Equity Compensation Fund Interagency Working Group (IWG) comprised of the Department of Veterans Affairs, the Department of Defense, and the National Archives and Record Administration. The IWG was tasked with analyzing the process faced by these Filipino veterans in demonstrating eligibility for compensation in order to ensure that all applications receive thorough and fair review.

Over the last seven months, the IWG has worked toward increased transparency and a thorough accounting of the process to verify valid military service for Filipino World War II veterans. This effort culminates in the reports that follow from each member of the IWG. This effort represents the first time all organizations involved in the verification process were brought together to examine the process from start to finish, and publicly post a collaborative report explaining each organization's role in the verification process. In addition to clarifying the claims process, the IWG digitized and made available online for the first time a report titled, "U.S. Army Recognition Program of Philippine Guerrillas." This crucial report explains how the recognition process was developed at the close of World War II. Most significantly, the Army publicly states their careful reasoning behind the current policies on service verification.

Detailed information from each agency is provided below. The IWG's goal was to increase transparency and accelerate processing of claims within the existing framework. Some highlights:

- VA created a special team dedicated to FVEC appeals and will obtain copies of certain Philippine Army documents from the Adjutant General of the Philippines.
- The United States Army remains confident in the current process to determine valid service. The Army has developed more detailed response letters for requests for service determination that explain why an application was denied. These letters are already in use.
- NARA has decreased the response time for service determination requests to 10 days or less.

Though the IWG's work concludes here, we hope these reports provide the transparency needed to understand the service verification process for Filipino World War II veterans appealing their claims. This is part of the Obama Administration's ongoing efforts to honor the contributions of all veterans in their service to our country.

UNITED STATES ARMY

In order to extend formal recognition to Philippine guerrilla units and individuals who contributed materially to the defeat of Japanese forces occupying the Philippines during World War II, the United States Army developed and administered a recognition program between late 1942 and June 30, 1948. Over 1.2 million individuals applied for recognition, and ultimately over 260,000 were recognized with positive service determinations for the Philippine Commonwealth Army. The recognition program ended on June 30, 1948, the date established by Congress for final liquidation of U.S. funds appropriated in 1946 to support the Philippine Army.

The Army's service determinations finalized in 1948 were made during a robust effort in the post-World War II era involving hundreds of Army officials working closely with Philippine authorities, guerrilla unit commanders, and individuals and will not be altered by the United States Army. The results of their work - the authenticated rosters of recognized guerrilla units and individual letters of recognition - remain the basis for all claims presented and adjudicated by various U.S. government agencies since 1948. The Army believes the decisions made 65 years ago were made by a competent authority that had the benefit of extensive post-war field work in conducting investigations with first-hand evidence to determine the validity of claims. The original and complete documentation of this effort consists of over 1,600 boxes of permanent historical value and are available to the public through the National Archives and Records Administration at its facility in College Park, Maryland. The official and now declassified report of this effort from the Headquarters, Philippines Command, United States Army report "U.S. Army Recognition Program of Philippine Guerrillas" can be found [here](#).

The United States Army transferred copies of unit and individual recognition documentation, finding aids, and individual post-World War II recognition claims folders to the National Personnel Records Center (NPRC). Today, on behalf of the United States Army, the NPRC retrieves and authenticates records of prior Army service determinations. The NPRC is

responsible for retrieving claim folders and then validating service determinations after reviewing unit rosters and matching an individual's identity against an existing claims folder.

The procedures to retrieve and authenticate prior Army service determinations are based upon previous United States Army procedures and outlined in the NPRC Standard Operating Procedures (SOP). Over the past year, the United States Army has reviewed and revalidated the retrieval and authentication procedures used by the NPRC, and fully supports the public release of the procedures. Following its review, the United States Army recognized the need to provide more detailed responses to requests for service determinations. As a result, the Army has fielded several new and more specific response letters which state: the individual's service authentication, whether or not the individual's claims folder and/or corresponding unit rosters were located, and what the next appropriate steps are for individuals with questions regarding service authentication.

In addition to the current administrative procedures used to retrieve prior service determinations, the cataloged and archived records maintained by the National Archives and Records Administration are readily accessible by the public from its facility in College Park, Maryland. Included in that collection are approximately 25 boxes of historical administrative records which document the formal service verification program during, immediately after, and since World War II.

Over the past year, the Army has placed a priority on requests for service determinations received from the Department of Veterans Affairs for Filipino veterans. As a result, today over 90 percent of requests are serviced within 10 days versus 43 percent a year ago, and NPRC is current with claims processing. As the NPRC authenticates prior Army service determinations on behalf of the Army on a reimbursable basis, the United States Army remains committed to providing NPRC with critical funding and/or staff augmentation as necessary to support the ongoing, vital efforts to ensure timely service authentication for veterans. The Army is well-positioned, resourced, and committed to meet the claims processing needs for Filipino Veterans. The Army has a long-standing and close working relationship with both the NPRC and the VA, and together we will sustain an efficient claim processing time.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

The National Personnel Records Center (NPRC), a component of the National Archives and Records Administration (NARA), serves as an agent for the U.S. Army, providing storage and reference services for records of the U.S. Army. Among the Army records held by NPRC are claim folders pertaining to Filipino nationals, which were adjudicated by the U.S. Army after World War II, and unit rosters created by the U.S. Army in conjunction with its recognition program.

NPRC does not make service determinations but rather reviews the records described above to authenticate claims previously adjudicated by the U.S. Army. Most often, this is done in response to requests from the Department of Veterans Affairs regarding compensation claims. Recognizing the urgency of these requests, NPRC strives to respond to these requests in ten

workdays or less. For more information concerning NPRC, see <http://www.archives.gov/st-louis/military-personnel/index.html>.

NARA has also preserved records of historical value documenting events that transpired in the Philippines during and after World War II. Included are records describing actions taken by the U.S. Army to recognize the service of Filipino nationals who supported the United States Army Forces in the Far East, including those who served in guerrilla units. The original records are available for public review at the National Archives building in College Park, Maryland.

In support of the IWG, NARA also clarified two common concerns relating to Philippine Army-related records which are needed to authenticate claims of service. The first involves references to the "Missouri List" or the "St. Louis List." NPRC does not have in its holdings a specific document titled the "Missouri List" or the "St. Louis List," nor does it have a single, comprehensive roster listing every Philippine Army veteran and recognized guerrilla. The NPRC does not hold a document called the "Roster of Troops," nor a uniform "Discharge List." NPRC authenticates prior service determinations by examining claim folders, finding aids, and a variety of rosters compiled by the Army during its post-war recognition program. Authentication does not require a claimant to be listed on multiple rosters.

The second concern involves the catastrophic 1973 fire at NPRC that destroyed 16-18 million military service records pertaining to veterans of the U.S. Army and U.S. Air Force. Additional information about the fire can be found at <http://www.archives.gov/st-louis/military-personnel/fire-1973.html>.

Except for the records of Philippine Scouts, Philippine Army and related records were not stored among these U.S. Army records and were not affected by the fire. Philippine Scouts were inducted into the U.S. Army, and their service records were stored among other members of the U.S. Army from that time period. The service records of some Philippine Scouts may have been damaged or destroyed in the 1973 fire, in which case NPRC technicians would respond to requests by attempting to reconstruct the basic service record using the same resources it uses to reconstruct records for other veterans whose records were lost in the fire. However, records pertaining to the majority of Filipino veterans were not impacted by the fire.

DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs (VA) expeditiously developed a Filipino Veterans Equity Compensation Fund (FVEC) benefit application, an adjudication process for this benefit, and a payment and accounting system to facilitate timely and accurate FVEC payments. VA's Manila Regional Office (RO) is responsible for processing FVEC claims. The law requires VA to administer the benefit consistently with applicable provisions of title 38, U.S. Code. Applications requiring further development were processed under Veterans Claims Assistance Act procedures, as with claims for other VA benefits, and notification of claim decisions and appellate rights are provided in the same manner as for other benefit claims. RO decisions on FVEC claims are appealable to the Board of Veterans' Appeals and, ultimately, to the Court of Appeals for Veterans Claims, in the usual manner.

By statute, in order to qualify for an FVEC payment, an individual must have served before July 1, 1946, in the Philippine Commonwealth Army, including recognized guerrilla units, or in the New Philippine Scouts. In adjudicating claims for benefits, including FVEC, VA is legally bound by military service department determinations as to what service a claimant performed. Under VA regulations, in the absence of a suitable document issued by a U.S. service department containing the needed information, VA must seek verification of service from the appropriate service department, in this case, the U.S. Department of the Army. The NPRC in St. Louis, Missouri, acts as the custodian of the Army's records, and VA sends its requests for service verification to that entity. VA also forwards to the NPRC any evidence provided by claimants to establish qualifying service.

VA conducted extensive proactive outreach to ensure potentially eligible claimants were aware of the FVEC program and received assistance in applying. VA made the first payments within 40 days of the effective date of the program, and has paid out over **\$224 million** in FVEC benefits to Filipino Veterans.

All original claims for FVEC have received a decision, but there are currently 101 reopened claims for FVEC, 143 appeals pending, and 53 remanded appeals.

Appeals for entitlement to FVEC are processed on a priority basis. Appeals requiring service verification are immediately referred to the Appeals Veterans Service Representative for referral to the NPRC for service verification. Currently, the Manila RO regularly provides the NPRC a list of individuals with pending service-verification requests. The Manila RO then closely coordinates with other ROs for appellants who reside in the U.S. who require hearings, emphasizing that these hearings should be expedited. As of June 1, 2013, 460 appeals have been granted with a 10.16% grant rate based on total appeals received. In an effort to further expedite pending FVEC reopened claims, appeals, and remands, the Manila RO has taken the following additional steps:

1. Created a special team to work FVEC appeals consisting of two Decision Review Officers; two Veterans Service Representatives; and one Claims Assistant.
2. Created a standard notification letter for appellants requesting submission of all available service records and information. This letter will also inform the appellant that piecemeal submission of evidence can cause unnecessary delay in the submission of their appeal to the Board of Veterans Appeals.
3. VA personnel will personally obtain copies of the Affidavit for Philippine Army Personnel (AGO Form 23) for appeals with no Form 23 from the Adjutant General.

The Manila RO anticipates these steps will further expedite the processing of appeals for the appellants with advanced age by minimizing the turnaround time for service verification requests and hearing requests.
