FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20579

In the Matter of the Claim of 5 U.S.C. §552(b)(6) Under the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328	Claim No. GUAM-0084 Decision No. GUAM-0657

PROPOSED DECISION

Claimant brings this claim under the Guam World War II Loyalty Recognition Act for injuries suffered as a result of the occupation of Guam by Imperial Japanese military forces during World War II.[1] Sections 1704 and 1705 of the Act authorize the Commission to award compensation to "compensable Guam victims," defined as those individuals who (1) were alive on December 23, 2016, and (2) are determined to have suffered any of the following as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces: rape, severe personal injury, personal injury, forced labor, forced march, internment, and hiding to evade internment.[2]

The Commission finds, based on the affidavit included with Claimant's claim form, and public records from the Social Security Administration and other government agencies, that Claimant was living on December 23, 2016, and that Claimant suffered a personal

[1] Guam World War II Loyalty Recognition Act, Pub. L. 114-328, tit. XVII, 130 Stat. 2642 (2016) ("GLRA" or "Act").

[2] *See id.* §§ 1704(a), 1704(c)(2), 1705(a)(1).

injury and/or was subjected to forced labor by Imperial Japanese forces during the invasion and occupation of Guam by Japan during World War II. Claimant's sworn statements are consistent with the public record and evidence in other claims filed in this claims program, which show that Imperial Japanese forces subjected thousands of Guamanians to forced labor during the occupation, and that many Guamanians suffered personal injuries.[3] Section 1705(b)(9) of the GLRA provides that the Commission "shall treat a claim that is accompanied by an affidavit of an individual that attests to all material facts required for establishing the eligibility of such individual for payment . . . as establishing a prima facie case of the eligibility of the individual for such payment without the need for further documentation, except as the Commission may otherwise require."[4] In the absence of rebutting evidence, Claimant's sworn statements averring that Claimant suffered one or more of these injuries are sufficient, under the statutorily promulgated standards, to establish Claimant's eligibility for compensation.[5]

A claimant who establishes a meritorious claim as a "compensable Guam victim" under Section 1704(a)(1)(B) of the GLRA for forced labor and/or personal injury but who neither asserts nor establishes any of the injuries set forth in Section 1704(c)(2)(A) (rape and severe personal injury) is entitled to a single payment of $12,000 and is not eligible for compensation for internment, hiding to evade internment, or forced march.[6] Claimant is thus entitled to a payment of $12,000.[7]

Pursuant to the GLRA, the Commission is required to deduct, from a payment made to a compensable Guam victim, amounts paid to such victim under the Guam Meritorious

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[3] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 5-8.
[4] Guam World War II Loyalty Recognition Act § 1705(b)(9).
[5] *See* Claim No. GUAM-0573, Decision No. GUAM-604, at 11-12.
[6] *See* Guam World War II Loyalty Recognition Act §§ 1704(a)(1)(B), 1704(c)(2); Claim No. GUAM-0573, Decision No. GUAM-604, at 13.
[7] *See id*.

Claims Act of 1945, Public Law 79-224,[8] before the date of the enactment of the GLRA.[9] The evidence in the record, however, does not show that the United States Government has provided Claimant any compensation under the 1945 Act. Therefore, no deduction in payment will be made from Claimant's award.

In summary, Claimant is entitled to an award of $12,000. This amount constitutes the entirety of the compensation to which Claimant is entitled under the GLRA.[10] The Commission hereby enters the following award, which will be certified to the Secretary of the Treasury for payment under Section 1705 of the GLRA.[11]

AWARD

Claimant is entitled to an award in the amount of $12,000.

Dated at Washington, DC, April 12, 2019
and entered as the Proposed Decision
of the Commission.

Sylvia M. Becker, Commissioner

Patrick Hovakimian, Commissioner

This decision was entered as the Commission's Final Decision on

September 10, 2019

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days of delivery of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after delivery, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. §§ 509.5 (e), (g), 510.3 (2018).

[8] *See* An Act: For the relief of the residents of Guam through the settlement of meritorious claims, ch. 483, Pub. L. 79-224, 59 Stat. 582 (1945).

[9] *See* Guam World War II Loyalty Recognition Act § 1705(b)(4).

[10] Under the GLRA, interest is not available on payments made by the Commission under Section 1704. *Id.* § 1705(b)(5).

[11] *Id.* § 1705(b)(8).