

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

In the Matter of the Claim of

(b) (6)

Under the Guam World War II Loyalty Recognition
Act, Title XVII, Public Law 114-328

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Claim No. GUAM-1625

Decision No. GUAM-3483

PROPOSED DECISION

Claimant brings this claim under the Guam World War II Loyalty Recognition Act for the death of Petronila Damian (the “decedent”), who allegedly died as a result of the occupation of Guam by Imperial Japanese military forces during World War II.¹ To be eligible for a payment for death under the Act, a claimant must show that he or she is a surviving spouse, child, or parent of the decedent who was living on December 23, 2016. Because Claimant has not established this requirement, this claim is denied.

Under the Act, the Commission is authorized to adjudicate claims and determine the eligibility of individuals for payments set forth in Section 1704.² With respect to payments for death, Section 1704(a)(2) provides for a single \$25,000 payment for distribution to survivors of a “compensable Guam decedent,” defined as “a resident of

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

² *See id.* § 1705(a)(1) (“The Foreign Claims Settlement Commission shall adjudicate claims and determine the eligibility of individuals for payments under section 1704.”)

Guam who died 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”³ The Act requires such payments to be distributed among certain surviving relatives of the decedent according to the order of priority set forth in Section 1704(b).⁴ Surviving spouses and children who were living on the date of the Act’s enactment, December 23, 2016, are entitled to payment in all cases, while parents are only eligible for compensation if a decedent had no living spouse or children on the date of enactment.⁵ Section 1704(b)(5) further emphasizes that “[i]n the case of a decedent” who had no surviving spouse, children, or parents living on the date of the Act’s enactment, “no payment shall be made.”⁶ Accordingly, to be eligible for a death payment under the Act, a claimant must show that he or she is a surviving spouse, child, or parent of the decedent who was living on December 23, 2016.

The Commission finds, based on evidence submitted by Claimant and/or publicly available records, that Claimant is not a spouse, parent, or child of the decedent who was living on December 23, 2016, and, thus, is not eligible for a distributive share of a death payment under Section 1704(b). Accordingly, while the Commission recognizes that many residents of Guam “suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II,”⁷ it is constrained to conclude that this claim is not eligible for compensation under the Act. Thus, this claim must be and is

³ *Id.* § 1704(c)(1).

⁴ *Id.* § 1704(b)(1)-(4).

⁵ *Id.*

⁶ *Id.* § 1704(b)(5).

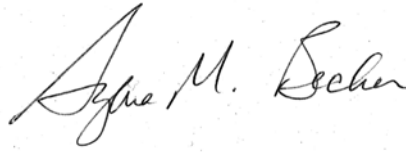
⁷ *Id.* § 1702(a).

hereby denied. The Commission makes no determinations about any other aspect of this claim.

Dated at Washington, DC, March 25, 2021
and entered as the Proposed Decision
of the Commission.

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

July 12, 2021



Sylvia M. Becker, Commissioner



Patrick Hovakimian, Commissioner

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 (2019).