

**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)

¹

Claim No. GUAM-2443

Decision No. GUAM-3161

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

PROPOSED DECISION

Claimant brings this claim under Sections 1704 and 1705 of the Guam World War II Loyalty Recognition Act for injuries allegedly suffered as a result of the occupation of Guam by Imperial Japanese military forces during World War II.² To be eligible for a payment as a “compensable Guam victim” under Section 1704, a claimant must show that he or she suffered one or more of the following injuries: rape, severe personal injury, personal injury, forced labor, forced march, internment, and hiding to evade internment. Claimant was born after July 31, 1944, when U.S. forces liberated thousands of Guam residents who had been subjected to forced marches and internment by the Imperial Japanese forces. Because Claimant is not eligible for compensation for those injuries, and

¹ The Commission has received information indicating that the original claimant in this claim died after the effective date of the Act (December 23, 2016). Accordingly, the Commission has substituted the above-referenced individual and/or entity as the party claimant in this claim pursuant to Commission regulation. *See* 45 C.F.R. § 509.5(j)(1) (2018).

² Guam World War II Loyalty Recognition Act, Pub. L. 114-328, tit. XVII, 130 Stat. 2642 (2016) (“GLRA” or “Act”).

has failed to submit evidence sufficient to establish any other compensable injury, this claim is denied.

The Commission's authority "to determine the eligibility of individuals for payments" under the Act is set forth under Section 1704.³ Section 1704(c)(2) defines a "compensable Guam victim" as "an individual who [was] not deceased as of the date of the enactment of [the] Act," *i.e.*, December 23, 2016, and who is determined to have suffered one or more of the following injuries: rape, severe personal injury, personal injury, forced labor, forced march, internment, and hiding to evade internment.⁴

The Commission finds, based on evidence submitted by Claimant and/or publicly available records, that Claimant is not a "compensable Guam victim" within the meaning of the Act. Claimant was born after July 31, 1944, at which time U.S. forces liberated thousands of Guamanians who had been forced to march to various camps by Imperial Japanese forces and subsequently interned.⁵ Claimant is thus not eligible for compensation for forced march, internment, or hiding to evade internment as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II. Claimant's allegations are also insufficient to establish that Claimant suffered any other injury compensable under Section 1704.⁶

³ *Id.* § 1705(a)(1) ("The Foreign Claims Settlement Commission shall adjudicate claims and determine the eligibility of individuals for payments under section 1704.")

⁴ *Id.* § 1704(c)(2)(A)-(C).

⁵ *See* Claim No. GUAM-0232, Decision No. GUAM-0001, at 11 (finding that "on July 31, 1944, U.S. soldiers liberated the main camps in the Manenggon valley and released thousands of Guamanians, who were then relocated to refugee camps in Finile and Asan in early August 1944.").

⁶ For example, Claimant's statements do not establish the elements required for either a "personal injury," defined as a "discernible injury (such as disfigurement, scarring, or burns) that is more serious than a superficial injury," or a "severe personal injury," defined as "loss of a limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity." 45 C.F.R. § 510.1 (2019). Claimant's statements also fail to establish that Claimant was compelled to perform labor in support of the Japanese military government by the "use or threatened use of physical force" and/or that Claimant was old enough to be reasonably subjected to forced labor given Claimant's age at the time the labor was allegedly performed. Claim No. GUAM-0573, Decision No. GUAM-604, at 10.

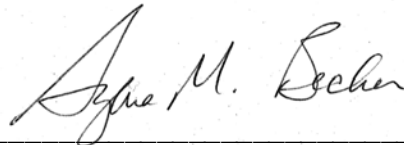
Accordingly, the Commission is constrained to conclude that this claim is not eligible for compensation under the Act. Thus, this claim must be and is hereby denied.

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

Dated at Washington, DC, September 17, 2020
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).