

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, DC 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

Claim No. GUAM-3110

ORDER

This claim was brought 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 The Statement of Claim was signed by John Chargualaf and submitted on June 7, 2018. In his claim form, Mr. Chargualaf appeared to assert a claim for compensation as a “compensable Gum victim,” defined under Section 1704 of the Act as an individual who (1) was alive on December 23, 2016, and (2) is determined to have suffered any of [several specified injuries] 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.² However, he had not completed Section 1 of the claim form, which requests the name, contact

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

² See Claim No. GUAM-0232, Decision No. GUAM-0001, at 4.

information, and date of birth of the claimant.³ Mr. Chargualaf had also completed information in Section 5 (“Claim of Survivor of Compensable Guam Decedent”), listing the name of his uncle, along with details concerning his uncle’s death during the occupation of Guam.⁴ The Commission therefore generated two claims from this claim form: Claim No. GUAM-3109 was assigned to Claimant’s apparent claim as survivor of a compensable Guam decedent, and Claim No. GUAM-3110 was assigned to Mr. Chargualaf in his own right for compensation as a compensable Guam victim.⁵

Thereafter, the Commission staff sought clarification from Mr. Chargualaf whether he had, in fact, intended to file a claim for himself. In an email dated May 6, 2020, Mr. Chargualaf clarified that he was “not filing a claim for myself[,]” but rather for his mother, who survived the occupation and was alive on the effective date of the Act, and his uncle, who died during the war.⁶ The Commission staff then requested whether Mr. Chargualaf wished to withdraw the claim assigned to him personally as a compensable Guam victim. By email dated June 10, 2020, Mr. Chargualaf responded with a request that the Commission “withdraw my name and myself regarding claim number 3110” On the basis of this email, the Commission determines that this claim is

³ Instead, Claimant had provided his name and contact in Section 2, which is reserved for contact information for a claimant’s legal representative, if any.

⁴ Under the Act, an individual may file a claim for compensation as a survivor of a “compensable Guam decedent,” defined under Section 1704, in pertinent part, as “an individual determined . . . to have been a resident of 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” 130 Stat. at 2645.

⁵ Mr. Chargualaf was born many years after the liberation of Guam, so even if he intended to file a claim for himself, he would not have satisfied the requirements under Section 1704 for compensable Guam victims.

⁶ The claim of the estate of Claimant’s mother was filed by his brother, although Claimant was listed as the executor of the estate. *See* Claim No. GUAM-2333, Decision No. GUAM-1608 (2020).

withdrawn as of the date of this Order, and the claim will not be the subject of any further action by the Commission.

Accordingly, it is ORDERED that the present claim be, and hereby is, dismissed.

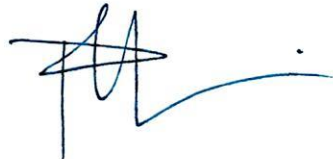
Dated at Washington, DC, June 25, 2020
and entered as an Order
of the Commission.

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

July 12, 2021



Sylvia M. Becker, Commissioner



Patrick Hovakimian, Commissioner