

**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-3551
} }
} } Decision No. GUAM-3302
} }
Under the Guam World War II Loyalty Recognition }
Act, Title XVII, Public Law 114-328 }
} }
} }

PROPOSED DECISION

Claimant brings this claim under 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 Because Claimant has failed to submit a Statement of Claim that is signed and/or accompanied by evidence sufficient to establish that Claimant suffered an injury that is eligible for compensation under the Act, this claim is denied.

The Commission’s authority “to determine the eligibility of individuals for payments” under Section 1704 is set forth in Section 1705 of the Act.³ Among other things, Section 1705 provides that the Commission “may not determine an individual is eligible

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) (2019).

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

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

for a payment under section 1704 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.”⁴ Commission regulations further provide that “claims must be filed on official forms,” and that “[e]ach form must include all of the information called for in it and must be completed and signed in accordance with the instructions accompanying the form.”⁵

To be eligible for a payment under Section 1704, a claimant must establish that he or she is either a “compensable Guam victim” or a “survivor” of “a compensable Guam decedent.”⁶ Section 1704(c)(2) defines a “compensable Guam victim” as “an individual 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.”⁷ Under Sections 1704(c)(1) and 1704(b)(1)-(5), a qualifying survivor⁸ of a “compensable Guam decedent” is described as a parent, child, or spouse of a Guam resident “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, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of such Act.”⁹

Claimant submitted a Statement of Claim on or before June 20, 2018, seeking compensation under Section 1704 of the Act. The claim form, however, was not signed as

⁴ *Id.* § 1705(b)(1).

⁵ 45 C.F.R. §§ 510.3, 509.2(a) (2019).

⁶ GLRA, § 1704(a)(1)-(2).

⁷ *Id.* § 1704(c)(2).

⁸ Payments are distributed to a decedent’s spouse, children, or parents living as of the date of enactment according to the order of distribution set forth under Section 1704(b). *Id.* § 1704(b)(1)-(5). Spouses and children are entitled to payment under the distribution schedule, while parents are only eligible for compensation if a decedent had no living spouse or children on the date of enactment. *See id.* § 1704(b)(4).

⁹ *Id.* §§ 1704(b)(1)-(5); 1704(c)(1).

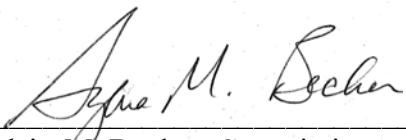
required under Section 9 and/or did not include “an affidavit of an individual that attests to all of the material facts required for establishing the eligibility of such individual for payment under” Section 1704, such as “a detailed description of the injury or other circumstance supporting the claim involved.”¹⁰ Claimant has not responded to requests for further information about Claimant’s alleged injuries with additional statements or evidence necessary to substantiate this claim. The evidence in the record is thus insufficient to establish that Claimant suffered a compensable injury under Section 1704.

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, November 19, 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).

¹⁰ *Id.* § 1705(b)(9).