

**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

}
}
}
} Claim No. GUAM-3725
}
} Decision No. GUAM-3490
}
}
}

PROPOSED DECISION

Claimant brings this claim under the Guam World War II Loyalty Recognition Act for the death of Jose Cruz (the “decedent”) as a result of the occupation of Guam by Imperial Japanese military forces during World War II.¹ To be eligible for consideration under the Act, a claim must be filed not later than one year after the Commission published notice of the deadline for filing claims, *i.e.* June 20, 2018. Because Claimant’s claim was filed with the Commission after the June 20, 2018 deadline, it is denied.

The Commission’s authority to adjudicate claims under Section 1704 of the Act is set forth in Section 1705.² Among other things, Section 1705 provides that “[a]n individual filing a claim for a payment under section 1704 shall file such claim not later than one year after the date on which the [Commission] publishes . . . a notice of the deadline for filing a claim” in the Federal Register, and in newspaper, radio, and television media in Guam.³

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

² *Id.* § 1705(a)(1).

³ *Id.* §§ 1705(b)(2)(A)-(B).

As required under Section 1705, on June 20, 2017, the Commission published notice in the Federal Register announcing the commencement of the Guam Claims Program and setting a filing deadline of June 20, 2018.⁴ On that same date, the Commission also published notice of the deadline for filing claims in newspaper, radio, and television media in Guam. Consequently, the statutory deadline for filing claims under the Act was June 20, 2018.

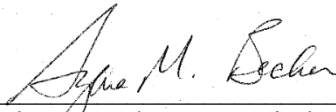
The Commission's records indicate that Claimant's Statement of Claim was filed with the Commission after June 20, 2018. The claim was thus filed after the expiration of the one-year filing period established by the Act.

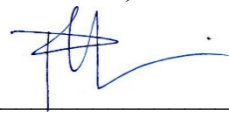
Accordingly, while the Commission recognizes that Claimant may be among those residents of Guam who "suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II,"⁵ it is constrained to conclude that this claim was not timely filed under the 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, 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).

⁴ Notice of Commencement of Claims Adjudication Program and of Deadline for Filing of Claims, 82 Fed. Reg. 28,093 (June 20, 2017). The Commission also published amendments to its regulations in the Federal Register, 82 Fed. Reg. 16,124 (April 3, 2017), which included the following provision:

§ 510.2 Time for filing.

Claims for payments under the Guam World War II Loyalty Recognition Act, Title XVII, Pub. L. No. 114-328 (the "Act"), must be filed not later than one year after the date on which the Commission publishes the notice described in section 1705(b)(2)(B) of the Act.

⁵ GLRA, §1702(a).