Series 36

DISCHARGE OF DISLOYAL PS AND SIMILAR PERSONNEL AND PROCEDURES OF BO PS & AUS-7

DISCHARGE OF DISLOYAL PS AND SIMILAR PERSONNEL AND PROCEDURES OF BO

PS & AUS - 7

Policy File

SUBJECT: Loyalty Status and Discharge of Zacarias L. Madrid

TO: MPRS FROM: Chief, Administrative Svc Div, Dep. Dir. of Pers, TAGO

Mr Belman/194

The Loyalty Board proceedings did not become effective prior to the death of Madrid as they were not approved until a time subsequent to his death. Therefore the finding of the Board that his discharge from the Philippine Scouts for purpose of enlisting in AUS and his subsequent enlistment in the AUS "is hereby rescinded for fraud by reason of the concealment of service under the Japanese Puppet Government," was never carried into effect. However, copies of the Board proceedings and approval thereof should be furnished to the Veterans Administration for its use in adjudicating any claim pertaining to this case.

3 Incl
n/c

N. E. HOYNE, Colonel, AGC
Chief, Admin Svc Div, TAGO

[illegible] Madrid, Zacarias L.
[illegible]
SUBJECT: Loyalty Status and Discharge of Zacarias L. Madrid

5. Shortly after the return of the Liberation forces to the Philippines in 1945, it was the policy of Recovered Personnel Division to direct the discharge without honor, with a character rating of less than "Good" of those Philippine Scouts who had served with the Japanese Puppet Government. Beginning in the latter months of 1945, this policy was modified under authority of WD ltr, AG 210.8 (28 Jul 1945) OB-S-A dated 3 August 1945, to the extent that those military personnel who had served with the Japanese Puppet Government and at time of processing made no attempt to conceal fact of such employment in laboring capacities or in assignments not considered detrimental to the Allied cause, were merely placed in a non-casualty status for the period of time occupying such positions.

6. In handling loyalty cases in the Adjutant General Records Depository, a Board of Officers was appointed by G-1, Headquarters, United States Army Forces, Pacific. After the findings of this Board had been reviewed, the individual concerned and/or his Commanding Officer would be advised of action to be taken and his status and records corrected accordingly. The Commanding Officer appears to have been notified in this case; however, as previously pointed out, subject was already deceased and no action could be taken relative to his discharge.

7. When subject's status was determined under the provisions of the Missing Persons Act on 30 October 1947, it was held that he was not in a casualty status within the meaning of Section 2 of the Missing Persons Act during the period 7 October 1942, date of release from prison, and 4 July 1945, the date of reporting to military control. The recommendation and subsequent approval of the Loyalty Board findings were disregarded.

8. Since no authority exists in this Center to change Loyalty Board proceedings, information is requested as to whether any change should be made in subject's records based on findings of the Loyalty Board and AFWESPAC directive dated 1 February 1946 (TABA, Incl 3) directing discharge under other than honorable conditions.

DAVID H. ARP, Colonel, AGC
Commanding

3 Incl
1. Cpy VA Memo 8 Mar 55
2. Enlisted Records
3. 201 File

DISPOSITION FORM

FILE NO.	SUBJECT
AGRO-RJ 201 Madrid, Zacarias L., 10 304 915	Loyalty Status and Discharge of Zacarias L. Madrid

TO Chief, Admin Ser Div, TAGO FROM CO, MPRC, TAGO DATE COMMENT NO. 1
Mr. Turner/mo/677

1. VA Form 3101 dated 5 April 1955 has been received from the Veterans Administration Central Office requesting review of the service certification of Zacarias L. Madrid, and inviting attention to a Memo For File attached thereto, copy inclosed (Incl 1) regarding subject's loyalty.

2. Records show that Zacarias L. Madrid, 10 304 915, was enlisted in the Regular Army (Philippine Scouts) 16 February 1941 and honorably discharged 9 July 1945 to enlist in the Army of the United States; enlisted in the Army of the United States 10 July 1945, and died 9 December 1945 in line of duty.

3. Records further show that a Board of Officers which met on 19 November 1945 to determine whether Zacarias L. Madrid, 10 304 915, served under the Japanese or the Japanese Puppet Government in any capacity, found that he was an armed member of the Philippine Constabulary from November 1942 to December 1944 and participated in the torture and robbing of Filipino civilians on orders of the Japanese. The board recommended that he be discharged without honor, with character rating of less than "Good". The approval of the recommendation dated 10 January 1946 states:

> "The discharge from the Philippine Scouts for the purpose of reenlistment in the Army of the United States and the subsequent reenlistment in the Army of the United States is hereby rescinded for fraud by reason of the concealment of service under the Japanese Puppet Government. Private First Class Zacarias L. Madrid, Philippine Scouts, will be discharged from the Philippine Scouts for the convenience of the Government under conditions other than honorable with a character rating of 'Fair'. WD AGO Form 53-56, 1 Apr 1944 will be used and the words 'By reason of service under the Japanese Puppet Government' will be placed on the face of the discharge."

It is noted that this enlisted man died 9 December 1945, during the intervening period between the time the Board of Officers met on 19 November 1945 and the approval of the recommendation on 10 January 1946. Therefore, the action recommended by the Loyalty Board and the approval thereof on 10 January 1946 could not be complied with in view of the fact that subject was already deceased.

4. In a statement made to the War Crimes Office 12 July 1945 and in his original Philippine Scout affidavit sworn to 7 July 1945, subject made no attempt to conceal his activities and employment under the direction of the Japanese. He stated that after his release from Camp O'Donnell on 6 October 1942, he went to Baguio City where he joined the Philippine Constabulary, remaining with this organization until 31 December 1944 as a sergeant.

RC 66a

JAGA 1954/8130
SUBJECT: Loyalty Status and Discharge of Wilson Zabala

TO:	FROM:	DATE:	
The Adjutant General	The Judge Advocate General	7 - OCT 1954	COMMENT NO. 3 Lt Handmaker/76008

Based on the facts contained in the submitted file, it is the opinion of this office that the Department of the Army may not consider the discharge of Private Wilson Zabala on 29 November 1945 to have been accomplished under other than honorable conditions.

FOR THE JUDGE ADVOCATE GENERAL:

L. G. Fuller Lt Col. JAGC

3 Incls
n/c

for ROBERT H. McCAW
Colonel, JAGC
Chief, Military Affairs Division

JAGK 1954/8130

SUBJECT: Temporary stay in and discharge of Allison Tabala

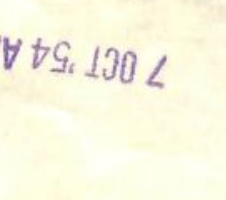
TO: The Adjutant General | THRU: The Judge Advocate General | DATE: 7 October 1954 | COMMAND NO. 3 | Dr Hindmarsh/7000

Based on the facts contained in the submitted file, it is the opinion of this office that the Department of the Army may not consider the discharge of Private Allison Tabala on 29 November 1945 to have been accomplished under other than honorable conditions.

FOR THE JUDGE ADVOCATE GENERAL:

3 Incls
n/c

ROBERT H. McCAW
Colonel, JAGC
Chief, Military Affairs Division



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JAG EXEC MAIL CTR
DEPT OF THE ARMY

7 OCT '54 AM

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DISPOSITION FORM

FILE NO.	SUBJECT
AGRC-RJ 201 Zabala, Wilson 10 301 914	Loyalty Status and Discharge of Wilson Zabala

TO Chief, Adm Svc Div, TAGO FROM CO, MPRC, TAGO St. Louis 20, Mo. DATE 1 SEP 1954 COMMENT NO. 1 Mrs Lehman/mh/677

1. Letter has been received from the widow of Wilson Zabala requesting complete statement of military service for purposes of filing claim with United States Veterans Administration.

2. Records show that Wilson Zabala, 10 301 914, was enlisted in the Regular Army (PS) 17 February 1941 and honorably discharged 21 April 1945 to enlist in the Army of the United States; enlisted in the Army of the United States 22 April 1945, and honorably discharged 29 November 1945, under provisions of AR 615-365, 15 December 1944, Convenience of Government, and RR 1-1, 15 February 1945, Demobilization.

3. Records further show that a Board of Officers which met on 2 August 1945 to determine whether Wilson Zabala served under the Japanese or the Japanese Puppet Government in any capacity, found that he was an armed member of the Municipal Police and an employee of the Diamond Glass Factory, both organizations under the Philippine Puppet Government controlled by the Japanese occupation forces, and it was recommended that he be discharged without honor with a character rating of less than "Good". The Approval of the above recommendations dated 4 November 1945 states:

> "The discharge from the Philippine Scouts for the purpose of reenlistment in the Army of the United States and the subsequent reenlistment in the Army of the United States are hereby rescinded for fraud by reason of the concealment of services under the Japanese Puppet Government. Pvt. Wilson Zabala, 10301914, Philippine Scouts, will be discharged from the Philippine Scouts for the convenience of the Government under conditions other than honorable with a character rating of 'Fair'. WD AGD Form 53-56, 1 November 1944 will be used and the words 'By reason of service under the Japanese Puppet Government', will be placed on the face of the discharge."

This enlisted man was transferred to the 21st Replacement Depot, APO 320 on 1 November 1945 for discharge under Readjustment Regulations. He was discharged accordingly on 29 November 1945. The Proceedings of the Board of Officers was received in that Headquarters subsequent to the discharge of subject individual. Therefore, it appears that action directed by the Loyalty Board and approved 4 November 1945 was not complied with, in view of the fact that subject had already been discharged from the service.

4. In subject's initial processing affidavit sworn to 9 June 1945, he made no attempt to conceal his employment with the Japanese Puppet Government. He stated that he was employed by the Japanese Government as a policeman at 30 pesos per month from May to August 1943. In a subsequent affidavit dated 13 July 1945, he

1 SEP 1954

repeated the statement that he was employed by the Philippine Puppet Government as a policeman, and stated that he was also employed in the Diamond Glass Factory, a Japanese-controlled firm, as carpenter from November 1942 to March 1943 at ₱0.90 ($0.45) per day. Both affidavits were completed and sworn to by the enlisted man prior to the meeting of the Board of Officers.

5. Shortly after the return of the liberation forces to the Philippines in 1945, it was the policy of Recovered Personnel Division to direct the discharge without honor, with a character rating of less than "Good" of those Philippine Scouts who had served with the Japanese Puppet Government. Beginning in the latter months of 1945, this policy was modified under authority of WD ltr, AG 210.8 (28 July 1945) OB-S-A dated 3 August 1945, to the extent that those military personnel who had served with the Japanese Puppet Government and at time of processing made no attempt to conceal fact of such employment in laboring capacities or in assignments not considered detrimental to the Allied cause, were merely placed in a non-casualty status for the period of time occupying such positions.

6. In handling loyalty cases in Adjutant General Records Depository, a Board of Officers was appointed by G-1, Headquarters, United States Army Forces, Pacific. After the findings of this Board had been reviewed, the individual concerned and/or his Commanding Officer would be advised of action to be taken and his status and records corrected accordingly.

7. No special request for Loyalty Board proceedings has been received in this case; however, the widow states that she is requesting a statement of service in order that she may file a claim with the United States Veterans Administration. In this connection, the Veterans Administration when receiving a claim for benefits normally initiates a request for information regarding loyalty status and Loyalty Board proceedings, therefore it is believed necessary to clarify records of subject individual prior to furnishing the statement of service.

8. Inasmuch as subject did not conceal employment with the Japanese Puppet Government in his initial affidavit, and since no previous action was taken to comply with recommendations of the Loyalty Status Board in his case, it is believed that no change should be made in the records pertaining to discharge of subject individual. However, since no authority exists in this Center to review and change Loyalty Board proceedings, information is requested as to the action to be taken in cases of this nature.

H. H. NEWMAN, Colonel, AGC
Commanding

2 Incl
1. 201 file
2. Enl Rec

AGAZ 201 Zabala, Wilson
10 301 914
SUBJECT: Loyalty Status and Discharge of Wilson Zabala

TO: TJAG FROM: TAG DATE: 22 Sept 54 COMMENT NR 2
Mr Stanton/52010

1. Attention is invited to preceding Comment 1.

2. Attention is further invited to Memo to G-1, your office, dated 26 July 1945, the original copy of which is contained in the inclosed file (Incl 3). Based upon such Memo, a directive was forwarded to the CINCAFPAC, under date of 3 August 1945, setting forth the procedures and policy for the discharging of disloyal Philippine Scouts and similar personnel. Copy of those instructions is also included in the file (Incl 3).

3. It will be noted that the board of officers recommended on 2 August 1945 that the EM be discharged without honor, with a character rating of less than "Good". The recommendations were approved on 4 November 1945. However, before the discharge could be so consummated, Pvt Zabala was honorably discharged for the Convenience of the Government (Readjustment Regulations 1-1) on 29 November 1945.

4. In order that a statement of service may be prepared in this case, it is requested that an opinion be rendered on the following:

a. Can the Department of the Army consider and hold the discharge of Private Zabala on 29 November 1945 was accomplished under other than honorable conditions?

b. If in the affirmative, can the Department of the Army consider the AFWESPAC directive dated 15 November 1945 (Tab A, Incl 1) as the basis for the discharge?

FOR THE ADJUTANT GENERAL:

Peter D. Shaw for
R. E. HOYNE, Colonel, AGC
Chief, Admin Ser Div, TAGO

3 Incl
Added
3. File AG 210.8(Apr 45)DRB

AGAZ 201 Zabala, Wilson
10 201 (1)
SUBJECT: Loyalty Status and Discharge of Wilson Zabala

TO: TAG FROM: TAG DATE: 22 Sept 54 COMMENT NO 2
Mr Stanton/52010

1. Attention is invited to preceding Comment 1.

2. Attention is further invited to Memo to G-1, your office, dated 26 July 1945, the original copy of which is contained in the inclosed file (Incl 3). Based upon such Memo, a directive was forwarded to the CINCAFPAC, under date of 3 August 1945, setting forth the procedures and policy for the discharging of disloyal Philippine Scouts and similar personnel. Copy of those instructions is also included in the file (Incl 3).

3. It will be noted that the board of officers recommended on 2 August 1945 that the EM be discharged without honor, with a character rating of less than "Good". The recommendations were approved on 4 November 1945. However, before the discharge could be so consummated, Pvt Zabala was honorably discharged for the Convenience of the Government (Readjustment Regulations 1-1) on 29 November 1945.

4. In order that a statement of service may be prepared in this case, it is requested that an opinion be rendered on the following:

a. Can the Department of the Army consider and hold the discharge of Private Zabala on 29 November 1945 was accomplished under other than honorable conditions?

b. If in the affirmative, can the Department of the Army consider the AFWESPAC directive dated 15 November 1945 (Tab A, Incl 1) as the basis for the discharge?

FOR THE ADJUTANT GENERAL:

H. B. HOYME, Colonel, AGC
Chief, Admin Ser Div, TAGO

3 Incl
Added
3. File AG 210.8(Apr 45)DMB

040
X 319.1

U.S.
VETERANS ADMINISTRATION
Manila Regional Office
Escolta & David Sts., Manila, P.I.

YOUR FILE REFERENCE:

December 29, 1949

IN REPLY REFER TO: 8-1

Major John W. Page
Director, S and C Division
AGRD, PHILCOM (AF), APO 900

SUBJECT: Loyalty Reports

Dear Major Page:

Mr. Norman D. Enke, Adjudicator, and Mr. Joe S. Wallace, Chief of Investigation Section, at this Regional Office, recently held a conference with Captain D. N. Sproul, Lt. Nogle and Mr. Arnold Koppelmen of AGRD on the foregoing subject matter. It appears that a certain time and effort of our respective organizations can be saved by the adoption of certain changes in the furnishing of loyal reports. For instance, the findings that are made on the loyalty reports which are currently being retained in the files of your Investigation Branch should be forwarded with the loyalty report to the Veterans Administration where they may be checked against records in our files and it is believed that it may enable us to make certain determinations thereon which will eliminate the need of field investigations in many instances.

Also, it is believed that the furnishing by AGRD of photostats of membership cards of pro-Japanese organizations and of checks issued by the Yokohama Specie Bank, which may pertain to the individual in question, may enable this office to have the photographs or signatures compared and checked to determine the identity of the C I C subject and whether or not they are one and the same as the claimant. If you are in accord with the foregoing, kindly authorize the suggested procedure and the adoption of any other agreements that may have been reached between the above-mentioned conferees, with which you may be in accord.

Sincerely yours,

J. E. Palmer

J. E. PALMER
Adjudication Officer

(34)

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE
APO 900

AGRD-I

4 Jan 50

3045

The Manager
United States Veterans Administration
Manila Regional Office
David & Escolta Streets

ATTN: Mr. J. E. Palmer
Adjudication Officer

Dear Mr. Palmer:

Reference is made to your letter, subject: Loyalty Reports, dated December 29, 1949. Apparently there has been some misunderstanding of the information received by you for Capt Sproul reports that he did not attend a conference with Mr. Enke, Mr. Wallace, Lt. Noggle and Mr. Koppelman. Capt Sproul states that Lt Noggle and Mr Koppelman told him that Mr Enke and Mr Wallace were here and discussed Loyalty Reports.

As far as can be determined by this office, nothing can be gained by forwarding the findings of the Loyalty Reports which are retained in the files of the Investigation Branch. These findings are nothing more than the Loyalty Record Examiner's worksheet and show the following things:

1. Facts which establish that the veteran or claimant and the OSI subject are one and the same individual.

2. The fact that there is insufficient information for one reason or another to establish whether or not the OSI subject and the veteran or claimant are one and the same individual.

3. Facts which establish that the veteran or claimant and the OSI subject are not one and the same individual, is therefore cleared and which report comes to you as a statement on the Form 3101.

Those facts which are pertinent are included in the Derogatory Reports which are sent to you and signed by the officer in charge. The information retained in our files contains nothing in addition to the information in the Derogatory Report or in the Forms 3101 and 508.

AGRD has furnished the Veterans Administration photostats of membership cards of pro-Japanese organizations which may be pertinent to the individual in question since Jan 49. In August of 1949, AGRD

HEADQUARTERS
ADJUTANT GENERAL, RECORDS REPOSITORY
MILITARY PERSONNEL COMMAND (AIR FORCE) AND THIRTEENTH AIR FORCE
APO 500

AGRD-I 4 Jan 50

The Manager
United States Veterans Administration
Manila Regional Office
David & Arcelis Streets

ATTN: Mr. G. E. Palmer
Adjudication Officer

Dear Mr. Palmer:

Reference is made to your letter, subject: Loyalty Reports, dated December 29, 1949. Apparently there has been some misunderstanding of the information received by you from Capt Byrnes when he did not attend a conference with Mr. Enko, Mr. Wallace, Mr. Mogle and Mr. Koppelman. Capt Byrnes states that Mr Mogle and Mr Koppelman told him that Mr Enko and Mr Wallace were done and discussed Loyalty Reports.

As far as can be determined by this office, nothing can be gained by forwarding the findings of the Loyalty Reports which are retained in the files of the Investigation Branch. These findings are nothing more than the Loyalty Board Examiner's worksheet and show the following things:

1. Facts which establish that the veteran or claimant and the GSI subject are one and the same individual.

2. The fact that there is insufficient information for one reason or another to establish whether or not the GSI subject and the veteran or claimant are one and the same individual.

3. Facts which establish that the veteran or claimant and the GSI subject are not one and the same individual, is therefore cleared and which report comes to you as a statement on the Form 3101.

These facts which are pertinent are included in the Derogatory Reports which are sent to you and signed by the officer in charge. The information retained in our files contains nothing in addition to the information in the Derogatory Report or in the Form 3101 and 3102.

AGRD has furnished the Veterans Administration [illegible] membership cards or pro-Japanese organizations which may be pertinent to the individual in question since Jan 49. In accordance [illegible]

started furnishing the Veterans Administration with photostats of checks issued by the Yokohama Specie Bank which may be pertinent to the individual in question. AGRD is also sending photostats of any information pertinent to the case in question.

Sincerely,

JOHN W. PAGE
Major AGD
Dir, S & C Division

JWP/JA
23 April 1949

PHILIPPINE ARMY LOYALTY BOARD CASES

1. Authority to try collaboration cases is contained in WD Letter, AG 210.8, dated 3 August 1945, subject: "Discharge of Disloyal Philippine Scout and Similar Personnel". (Incl #1).

2. A Philippine Scout Loyalty Board was set up at that time at the old Recovered Personnel Division (now AGRD). Similar Loyalty Status Boards for Philippine Army personnel were set up, although officers sitting on these Boards were composed of PA personnel; review, however, of its findings were made by U. S. Army officers, precisely assigned at RPD.

3. The granting of independence to the Philippines on June 1946 technically rescinded U. S. authority over PA personnel. However, since RPD was the agency handling the backpay program, review of PA Loyalty Board findings was included as one of its functions. (See AFWESPAC Cir. 100, 5 Jun 46 and PHILRYCOM Cir. 21, 13 Mar 47, inclosed as Incls #2 & #3, attached).

4. Since June 1946, approximately 46 loyalty cases involving PA personnel were still outstanding and subject to review by PHILCOM (per verbal agreement between the Secretary of National Defense, Republic of the Philippines and Headquarters AFWESPAC). Although this agreement was not made of record till some time in March 1949 (through efforts of Maj James Hargis, AGRD, PHILCOM), it is believed that representatives of Headquarters, AFWESPAC (now PHILCOM) in this agreement were Col Morris H. Marcus and Lt Col J. R. Gilbert, former Directors of the then Recovered Personnel Division, PHILCOM. To date, 21 individual cases remain to be reviewed of the 46 names outstanding since June of 1946. (See Incl #4).

5. General method or procedure followed in the review of these PA Loyalty cases by PHILCOM was merely to concur or follow the recommendations made by the PA Board, and make as a matter of record the Board findings. No actual review by a Board of Officers was made made of each case; nevertheless, review was made by a study of the man's 201 file. Steps have been taken recently to appoint a Board of review in these cases. (See Incl #5).

JOHN W. PAGE
Major Inf
Actn Asst Adjutant Gen

COPY

HEADQUARTERS
ADJUTANT GENERAL RECORDS DEPOSITORY
PHILIPPINES COMMAND
UNITED STATES ARMY

SPECIAL ORDER
NO.....16

APO 900
18 April 1949

1. Following board of officers is appointed and will meet at the call of the president thereof, to review the findings of the Philippine Army Loyalty Board cases.

Major PALMER M. BAKER	O-336117	Veterans Br	President
Capt ELMER L. BAKER	O-498137	Project "J" Br	
Capt OTTO STANRISER	O-497973	Director's Office	
Capt DONALD N. SPROUL	O-49441	Investigation Br	
1st Lt PAUL E. BAKER	O-1002861	Records Br	

BY ORDER OF COLONEL FORSTER:

JAMES C. BILLINGS
1st Lt Inf
Adjutant

OFFICIAL:

s/ James C. Billings
t/ JAMES C. BILLINGS
1st Lt Inf
Adjutant

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COPY

Incl #5

6060

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY

JWP/ja
APO 707
14 February 1949

Mr. J. E. Palmer
U. S. Veterans Administration
Manila Regional Office
U. S. Veterans Administration Bldg.,
Escolta & David Streets
Manila

040

Dear Mr. Palmer:

This sheet was the one omitted from your Memo for Record, dated 2 February 1949.

Comments on the entire memo will be transmitted to you at a later date.

Sincerely yours,

JOHN W. PAGE
Major Inf
Director

Incl
Comments re Medical Data

179

(3)

6101

Check Sheets
HEADQUARTERS PHILCOM
ADJUTANT GENERAL RECORDS DEPOSITORY

Do not remove from attached sheets

FILE NO. GSXDI SUBJECT:

(3) FROM: Chief, Investigation Branch TO: Director, AGRD DATE: 14 Feb 49

1. Reference Memo for Record, 2 Feb 49, Loyalty Clearance Section.

2. To get an idea as to how many cases would require procurement of Loyalty Board Proceedings the names of 164 veterans were checked against the list of veterans who had been processed by Loyalty Boards. Not one of the veterans so checked had appeared before a Loyalty Board. From this check it is concluded that the cases requiring procurement of Loyalty Board Proceedings will be few and far between.

3. To comply with the plan outlined in the Memo for Record attached the following will be implemented immediately:

Note #5

a. Every request for CIC clearance will be checked against the list of those veterans who appeared before a Loyalty Board.

b. A statement as to whether there are or are not Loyalty Board Proceedings on the veteran concerned will be transmitted to the Veterans Branch with the CIC report.

c. In addition to those cases with DI the Veterans Branch should forward all cases with Loyalty Board Proceedings to the Investigation Branch for procurement of the Loyalty Board Proceedings and transmission to the VA.

4. It is believed that the "reasonable period of 60 to 90 days" referred to in the Memo for Record may cause more cases to be charged out to us than the Chief of Staff, Philippine Army, intended in his approving indorsement to our letter dated 26 Nov 48 requesting the use of Loyalty Board Proceedings. The Investigation Branch will check on all such cases in the hands of VA, Manila, every ten (10) days.

DNS

- D. N. S. - - - - - - - - - -

f. Suggest that par 6 be amended to read: "It is further agreed that such additional information as is required by the VA to enable them to complete adjudication would be furnished utilizing AGRD Veterans Branch Form 32 on all USAFFE and Civilian Guerrilla cases."

g. Reference death data, recommend that par 1 be amended to read as follows: "It was stated by PHILCOM representatives that the procedures necessary to carry out the agreement reached at the Washington conference as interpreted by Headquarters PHILCOM had been instituted."

h. Concur with the recommended re-wording of the Director with reference to that portion of the Memorandum for Record as pertains to Death Data and Loyalty Clearance.

D. R. E.

Checknote to Dir, AGRD cont'd.

619

and Loyalty Status Board records, but also the willingness of HNDF to loan more cases for longer periods, if necessary.

---------- P. M. B. ----------

(2) FROM: Director TO: Chief, Invesg Br 14 Feb 49 /ja

1. Transmitted for your comment on effect of this requirement on your workload.

2. Return to this office as soon as practicable.

---------- J. W. P. ----------

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET JWP/ja

Do not remove from attached Sheets

FILE NO: GSXDA
SUBJECT:

DATE: 7 Feb 49

FROM: Director TO: Chief, Vets Branch

1. Reference the copy of Memo for Record, US VA, MRO, dated 2 Feb 49, furnished you via separate transmission this date.

2. Request your review of this memo and return of your comments at earliest practicable date.

3. Recommended rewording, in part, is shown on attached sheet.

Incl: a/s

J.W.P.

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET

Do Not Remove From Attached Sheets

DRE/mrm

FILE NO: GSXDA
SUBJECT:

DATE: 8 Feb 49

FROM: Adm Off, AGRD

THRU:
TO: Director, AGRD

1. In accordance with the request as stated in your checknote of 7 Feb 49, the following comments are hereby submitted:

a. Par 3. While no discussion has made mention of former members of the U.S. Navy, there are claims on file in AGRD requesting guerrilla benefits, wherein the veteran was a former member of the Navy. Where cases of duplicate claims were disclosed, it was agreed between this Division and the Philippine Army that the Navy claim would take precedence. While this paragraph infers that it deals with Army personnel the fact should not be overlooked that we have files on Navy people and it is believed that the statement should be more specific.

Note #1

b. Par 4 (a) (1) should be amended to read: "Service status from date of induction into the service of the armed forces of the United States to date of release as a POW or parole."

c. Par 4 (a) (2). Suggest that this paragraph be amended to read: "Date that anti-Japanese activities is recognized as being in the service of the armed forces of the United States, to the termination date of such recognized service."

d. Par 4 should have an additional sub-paragraph added as follows: "The Department of the Army will furnish such detailed information as is on on file, concerning all of the activities of the veteran from the date of induction into the service of the armed forces of the United States to the termination of such activities regardless of whether or not such activities was were under military control."

Note #2

e. Par 5 should be amended to read: "It was further agreed that where an individual was demobilized from the service of the armed forces of the United States on 30 June 1946 pursuant to the general demobilization order of the President of the United States, dated 25 June 1946, a check will be made against all court-martial records to determine if charges were pending against the veteran ~~at that time~~* Where such evidence is found, a detailed statement of the charges and the action taken thereon and, where possible, a copy of the proceedings, will be furnished the VA who will determine whether or not such proceedings ~~will~~ would affect the character of discharge granted the subject individual.

as of 6-30-46,

Note 3

* or if charges were filed subsequent thereto for causes that arose on or prior to 6-30-46.

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

PMB/JLG/sga

Do not remove from attached sheets

FILE NO: GSXDV
SUBJECT:

DATE: 8 Feb 49

FROM: Chief, Veterans Branch TO: Director, AGRD

1. In compliance with your check note dated 7 Feb 49 requesting comments on Memorandum for Record, USVA, MRO, dated 2 Feb 49, the following are submitted:

a. On Item 5 -- suggested change: "x x x to determine if any changes were pending against the individual as of 6-30-46, or if charges were filed subsequent thereto for causes that arose on or prior to 6-30-46, and in the event any charges were pending x x x".

OK

b. On Death Data: "x x x It was therefore agreed that where evidence is insufficient for making a determination or finding of death under the Missing Persons Act, AGRD would resort to field investigation provided that the required evidence could not be obtained by other means. In cases where a determination or finding of death has been made by AGRD under the Missing Persons Act and certified to VA, but evidence pertaining to circumstances as to date, place or cause of death is not satisfactory for the adequate adjudication of the claim either because the evidence is insufficient for VA's purpose or it is in conflict with evidence obtained by VA, the case will be returned to AGRD, together with the conflicting evidence, or specifying the additional information desired, as the case may be. In case of conflicting evidence, AGRD will make a redetermination, if warranted, and in case of insufficiency of information regarding circumstances of death, a field investigation may be made if the desired evidence could not be obtained by other means. In all cases, however, determination of the necessity and feasibility of field investigation rests with the Commanding General, Philippines Command."

OK

c. Concur in comments on Loyalty Clearance. However, clarification is requested on the statement "It was understood that the Loyalty Board hearing records was to be furnished on all personnel who served with the Armed Forces of the United States, inclusive of the Philippine Scouts personnel." Is it the intention to furnish VA with the information of the existence or non-existence of Loyalty Board hearings in every case? Heretofore, Loyalty Board proceedings are furnished only in cases where VA specifically requests that information.

Write a memo on the effect this will have on our operations if we have to send on every case

Jel

PMB

P. M. BAKEN
Major Inf

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET

Do not remove from attached Sheets

FILE NO: GSXDA
SUBJECT:

DATE: 7 Feb 49

FROM: Director TO: Asst Director

1. Reference the copy of Memo for Record, US VA, MRO, dated 2 Feb 49, furnished you via separate transmission this date.

2. Request your review of this memo and return of your comments at earliest practicable date.

3. Recommended rewording, in part, is shown on attached sheet.

Incl: a/s _____ J. W. P. _____

(2)FROM: Asst Director TO: Director 11 Feb 49

The following is the recommendation of the undersigned on the subject:

Death Data

It was therefore agreed that if satisfactory evidence showing the circumstances warranting the death was not available at Hq PHILCOM that field investigations will be made by PHILCOM only on those cases where actual determinations cannot be established by review of existing files and by mail communications. Determinations as to the necessity for field investigation in any case rests with the Commanding General, Philippines Command.

Loyalty Clearance

On each VA case a thorough analysis will be made by PHILCOM of files in its custody as well as files in the custody of the Philippine Government that are accessible in the Manila Area to determine if derogatory information is on file. The US Veterans Administration Manila Regional Office will be informed of information that possibly relates to the claimant, and that agency will make determination of the applicability of such information.

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Incl: n/c

J. H.

COMMENT SHEET

Recommend rephrasing as follows:

Death Data

x x x PHILCOM, that field investigations by AGRD would be resorted to provided the required evidence could not be obtained by other means, and further provided such field investigations were determined by the Commanding General, Philippines-Command, to be necessary and feasible.

Loyalty Clearance

x x x to 90 days. It was understood that the loyalty board hearing records were to be furnished on all personnel that served with the armed forces of the United States Army, inclusive of the Philippine Scout personnel. However, it was agreed that if any such board hearings carried a security classification, or were otherwise categorized as cases meriting special handling for any reason, that their release to the Veterans Administration, Manila Regional Office, would be made only upon the approval and direction of the Commanding General, Philippines Command, who may at his discretion confer with the Manager, Manila Regional Office, US VA, prior to the release of the records. It was agreed further that all loyalty board hearings, particularly those bearing security classifications, will at all times be safeguarded against loss, misplacement, alteration and the like. Only those persons whose official duties required use of such records will be permitted access thereto.

Incl

4978

5687

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET

Do not remove from attached Sheets JWP/ja

FILE NO: GSXDA
SUBJECT:

DATE: 7 Feb 49

FROM: Director TO: (1) Chief, Proj "J" Br (2) Chief, Investigation Br } in turn

1. Your attention is invited to the attached Memo for Record, dated 2 Feb 49.

2. Request your review of this memo and the return of your comments at earliest practicable date.

3. Recommended rewording, in part, is shown with attached comment sheet.

2 Incls: a/s - - - - - - - - - - - - - - - - - - J. W. P. - - - - - - - - -

Serial 2

FROM: Chief, Proj "J" Br TO: Director, AGRD
THRU: Chief, Investigation Br 10 FEB 1949

In compliance with par 2 Serial 1 above, the following comments are submitted:

a. Reference Par 4 (A) 1 & 2

It is the opinion of this Branch that the provisions of the above cited references are not applicable to Philippine Scout personnel.

b. Loyalty Board Proceedings

Recommend that Loyalty Board Proceedings be furnished VA Regional Office only when specific requests for same are received and only when there is an established basis to warrant such requests.

- E. L. B. - - - - - - - - - - -

COMMENT SHEET

Recommend rephrasing as follows:

Death Data

x x x PHILCOM, that field investigations by AGRD would be resorted to provided the required evidence could not be obtained by other means, and further provided such field investigations were determined by the Commanding General, Philippines-Command, to be necessary and feasible.

Loyalty Clearance

x x x to 90 days. It was understood that the loyalty board hearing records were to be furnished on all personnel that served with the armed forces of the United States Army, inclusive of the Philippine Scout personnel. (However, it was agreed that if any such board hearings carried a security classification, or were otherwise categorized as cases meriting special handling for any reason, that their release to the Veterans Administration, Manila Regional Office, would be made only upon the approval and direction of the Commanding General, Philippines Command, who may at his discretion confer with the Manager, Manila Regional Office, US VA, prior to the release of the records. It was agreed further that all loyalty board hearings, particularly those bearing security classifications, will at all times be safeguarded against loss, misplacement, alteration and the like. Only those persons whose official duties require use of such records will be permitted access thereto.)

Note #4

Incl #2

9. Date (s) of return to military control: _____

10. Veteran was last paid prior to surrender in 1942 to include _____

11. Last date veteran or his dependents entitled to receive an allowance, allotment or service pay: _____

12. Veteran (died) (did not die) while in the service, Proof and circumstances of death attached.

(Circumstances of death:
(a) Date of death: _____
(b) Cause of death: _____
(c) Place of death : _____

13. Veteran died (incurred disability or injury) in line of duty (not in line of duty).

14. Marital status of veteran: _____

15.

Name of next of kin	Relationship	Address

16. Loyalty status of the following is not in question in headquarters, PHILCOM:

17. Derogatory information pertaining to the following is attached:

18. Insurance data:
(a) Amout of Policy: $ _____
(b) Monthly Premium: $ _____
(c) Policy Number: _____
(d) Effective date of policy: _____

19. Records of AGRD and HNDF have been checked for existence of Court Martial Proceedings against subject veteran. This revealed (no proceedings) (existence of attached proceedings). (To be accomplished only in case veteran was still in the service as of 30 Jun 46).

20. Remarks:

The service data included herein are compiled from best evidence available in the files of this headquarters. They are considered factually accurate in absence of evidence to the contrary.

Any payments for arrears in pay to claimant and based on these service data were made in accordance with provisions of the Missing Persons Act.

NOTE: Items 8 and 19 not applicable to Philippine Scout or AUS veteran.

VAB Form #32
/ifr

_____ (Date)

ADDITIONAL INFORMATION

_____ (Name) _____ (ASN)

1. Beginning date of veteran's service in the Armed Forces of the United States: _____

2. Date of separation from the service: _____

3. Character of Separation:

4. From beginning date of service to date of separation, veteran's service is determined to be as follows:

STATUS	FROM	TO

5. Veteran is entitled to receive pay during the above periods except as follows:

STATUS	FROM	TO

6. Veteran was determined in a Missing Status and entitled to pay under MIA for the period indicated in Par 4, above for the following reasons:

FROM	TO	REASONS

7. If veteran become POW, date (escaped) (released): _____

8. Recognized Guerrilla Service (Reconstructed Roster) (____ Casualty Roster) (Individual Recognition)
   (a) Name of Guerrilla Unit: _____
   (b) Date (s) of Recognition: ___ _____
   (c) Beginning date of recognized guerrilla service: _____

4978

JWP/ja

GSXDA

7 Feb 49

Director

TO: (1) Chief, Proj "J" Br
(2) Chief, Investigation Br

1. Your attention is invited to the attached Memo for Record, dated 2 Feb 49.

2. Request your review of this memo and the return of your comments at earliest practicable date.

3. Recommended rewording, in part, is shown with attached comment sheet.

2 Incls: a/s

J. W. P.

COPY FOR: CHIEF, PROJ "J" BR

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HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET

Do Not Remove From Attached Sheets

6052
RS 6251
RS 6439
040

FILE NO: GSXDA
SUBJECT:

JWP/ja
DATE: 14 Feb 49

(3) FROM: AGRD
~~THRU~~:
TO: AG, PHILCOM (3)

1. For your information and any desired comments.

2. Request return for filing and further action by this office.

John W. Page
JOHN W. PAGE
Major Inf
Director

---

(4) AG to AGRD 15 Feb 49
noted - get all you can.
JWH
AG

GSXDA

JWP/ja
14 Feb 49

(3) AGRD

////

AG, PHILCOM

1. For your information and any desired comments.

2. Request return for filing and further action by this office.

JOHN W. PAGE
Major Inf
Director

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HEADQUARTERS PHILCOM
/ ADJUTANT GENERAL RECORDS DEPOSITORY
Check Sheet

Do not remove from attached sheets

FILE NO. GSXDR
SUBJECT:

DATE: 10 Feb 49

FROM: Chief, Records Branch TO: Director, AGRD (2)

1. It appears from records available, and the personal knowledge of individuals assigned to this Branch, that the program for securing clinical records started in August 1947. The program from August 1947 to August 1948 consisted principally of efforts on the part of the Philippine Army to secure clinical records from various military hospitals throughout the Philippine Islands. In addition two individuals from the then VA Section under Major Elliott, secured clinical records from public and private hospitals in the Manila area in specific cases.

2. In August 1948, a team from the VA Section was placed on TDY at the Central Records Depot, Camp Murphy, for the purpose of extracting Forms 22a, 63 and 38, which are physical examinations upon return to military control, and upon separation from the service. A few clinical records were also secured.

3. On 13 October 1948, a team was organized from the now existing Medical Files Group, Records Branch, with a view toward visiting all public and private hospitals in the Manila area in order to secure all clinical records concerning veterans eligible for USVA benefits. Authority for withdrawing these records was secured from the Surgeon General, HNDF, and the Director of Hospitals, Department of Public Health, by Capt Esguerra who was placed on Special Duty with this Branch for that purpose. Capt Esguerra also visited each hospital in the Manila area and secured the consent of each for the team to extract the records. Hospitals completed to date are as follows:

San Lazaro Hospital
Philippine General Hospital
National Psychopathic Hospital
Philippine Veterans Board

Remaining hospitals are:

Emergency Hospital
North General Hospital
Quezon Institute
All private hospitals

In addition, it is believed another screening of the Central Records Depot files would prove fruitful.

HEADQUARTERS PHILCOM
/ ADJUTANT GENERAL RECORDS DEPOSITORY
Check Sheet

Do not remove from attached sheets

FILE NO. GSXDR
SUBJECT: DATE: 10 Feb 49

FROM: Chief, Records Branch TO: Director, AGRD

Cont'd

4. In addition to the field team, communications were dispatched on 28 December 1948, to all provincial hospitals throughout the Philippine Islands, requesting all available clinical records pertaining to veterans. To date only two replies have been received stating - - in one case that records had been burned, in the other, a misunderstanding arose as to the ownership of the records. This problem is encountered frequently, and requires a "selling job" in order to convince hospital authorities that our action are for the benefit of the Philippine Government and the Filipino veterans.

5. Reference par 2a, your checknote, 9 February 1949, it is believed the present procurement program is sufficiently comprehensive and is proceeding effectively. A conference was conducted this date with Capt Sproul. It was agreed that the Investigators while in the field will visit the provincial hospitals of each provinces visited, armed with a copy of the letter dispatched by this office, the authority from the Director of Hospitals, and a sales talk. This action should implement the program.

6. Reference par 2b, your checknote, a procedure has been worked out with the Veterans Branch to re-request the clinical records on all cases held in suspense due to non-availability of clinical records. This branch will search the present holdings, and in the event of "no record" cases will so inform the Veterans Branch, at the same time will prepare a suspense card. One clerk has been designated to continuously search these suspense cards, and when records are discovered, forward them to the Veterans Branch for transmission to the USVA. It is planned that for each suspense card, the holdings will be searched once each month.

C.H.S.

- C. H. S. - - - - - - - - - - -

5361

HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 707

CHECK SHEET

Do Not Remove From Attached Sheets

FILE NO: GSXDA JWP/ja
SUBJECT: DATE: 9 Feb 49

FROM: Director THRU:
TO: Chief, Records Branch (1)

1. At a conference on 28 Jan 49, attended jointly by PHILCOM and USVA, MRO, representatives, two of the points of agreement are as follows:

a. Medical Data.

(1) Pursuant to instructions promulgated by the Washington conference with respect to the furnishing of medical data by AGRD to the Veterans Administration, procedures have been established and are now in effect within AGRD to provide the VA with original copies or reproductions of all medical records in the custody of the Philippines Command and any medical records that may be obtained from the Philippine Government. A program involving the use of procurement teams is still being conducted whereby medical records, both within and outside the greater Manila area, are being procured for use by AGRD. It was further agreed that field investigators of both VA and AGRD would render assistance in the accumulation of records by furnishing information as to their location or by actually procuring records throughout the Philippine Islands.

(2) It was further agreed by PHILCOM that as medical records or other evidence of treatment are received on cases of individuals wherein service information has previously been furnished the VA, that said additional evidence would be immediately forwarded to the VA for consideration in connection with the respective claim.

2. a. Reference par 1a(1) above, request your comment as to how this method of records procurement can actually be placed on a workable basis and what liaison is contemplated between Records Branch, Investigation Branch and Philippine Government agencies necessary for effective operations. Records procurement from key areas outside Greater Manila is thus receiving emphasis. It is believed that a project for island-wide records procurement was initiated by Major Elliot in mid-1948. The status of this program appears nebulous--and apparently is defunct.

b. Reference par 1a(2) above, this office desires to know in detail what steps you plan to take to effect this procedure to make certain that such records are actually sent to VA and not merely placed in the file for historical purposes.

J. W. P.

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HEADQUARTERS
PHILIPPINES COMMAND
ADJUTANT GENERAL RECORDS DEPOSITORY

GSKDA

APO 900
4 February 1949

040

Mr. J. E. Palmer
Adjudication Officer
U. S. Veterans Administration
Manila Regional Office
Manila

Dear Mr. Palmer:

Reference is made to your letter of 25 January 1949, wherein the question is asked whether your contemplated method of handling confidential derogatory information reports on veterans and/or claimants meets with the approval of this command.

Based on the close working relationship existing between your office and AGRD and further on this division's knowledge of the careful manner in which your office handles classified documents, you are informed that the procedure suggested by you is approved.

Pursuant to our conversation of 2 February this office expects that we will use the following procedure to handle the 9,000 reports:

a. Your office will screen all reports of D/I on file to determine whether the pertinent 3101 has been returned by us to you:

(1) In cases where 3101's are on file you will place the appropriate D/I report, together with the 3101, in the claimant's 201 file.

(2) In cases where the 3101's have not been received by your office, you will return the D/I report to Investigation Branch, AGRD.

b. In all future cases this office will forward CIC loyalty reports <u>together with</u> the 3101 to your office. In no case, except when specifically requested, will a loyalty report be sent to the Veterans Administration without an accompanying 3101.

Very sincerely yours,

JOHN W. PAGE
Major Inf
Director

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(2)

US.
VETERANS ADMINISTRATION
Manila Regional Office
Escolta & David Sts., Manila, P.I.

January 25, 1949 YOUR FILE REFERENCE:

IN REPLY REFER TO: 8-1

Major J. W. Page
Director, Adjutant General Records Depository
PHILCOM, APO 707

Dear Major Page:

This office has received approximately 9000 derogatory reports which have been forwarded pursuant to our Form 3101 requests on loyalty status of claimants of the VA which reports may or may not pertain to the claimants but may pertain to individuals who have similarity of name.

In the majority of instances, the Forms 3101 which were the basis for the transmittal of the derogatory reports have not been received by this office and it is hoped that they will be duly completed and forthcoming in the immediate future.

Pursuant to our current understanding, all derogatory reports will be forwarded to this office in the future together with the Form 3101 and to be safehanded by courier in view of the confidential information therein.

Up to the current time, this office has placed the 9000 derogatory reports above referred to in locked files and when a Form 3101 is received, if the information on the report is indicative that some of the information thereon may pertain to the claimant, a field examination request is made in order to definitely ascertain whether or not the derogatory information pertains to the claimant. Of course, to the request for field examination, it is necessary to attach a copy of the report received from CIC and for this reason the information is necessarily made available to employees in this office.

All claims filed in this office and evidence submitted or procured in support thereof are considered to be strictly confidential between the VA, the Department of the Army responsible for furnishing service information, and the claimant; the latter being permitted to obtain information that may be contained in the file provided it is not deemed strictly confidential between the VA and the Army, such as CIC reports which fall under this category.

The retention of the derogatory reports in locked files separate and apart from our regular administrative files presents a considerable amount of duplication of work and affects the expeditious adjudication

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(2)

of claims. It is, therefore, proposed to place the derogatory reports that we have on hand in the respective VA files so that when the Form 3101 is received all records pertaining to the particular claim in issue may be of record and readily adjudicated. We believe that you will interpose no objection to our instituting this procedure since all our files are deemed to be strictly confidential as herein indicated; however, before placing it into effect, we would like to have your approval thereof since the reports have been furnished by the Army and are stamped "Confidential".

Your prompt reply to the foregoing will be appreciated.

Very truly yours,

J. E. PALMER
Adjudication Officer

AGCM-M (7 Dec 48) 1st Ind

AGO, Dept of the Army, Washington 25, D. C., 19 January 1949

TO: Commander-in-Chief, Far East ~~Command,~~ APO 500, c/o Postmaster, San Francisco, California

040

1. Reference is made to paragraph 2f, basic communication. Action is currently being taken by the Department of the Army to provide adequate space for housing the records in question. In this connection reference is made to Department of the Army radio WARX 82723 to CINCFE dated 13 January 1949.

2. Reference is made to paragraph 2g, basic communication, in which it is indicated that additional funds requested by PHILCOM for servicing the Veterans Administration have not been received. In this connection, reference is made to letter from The Army Comptroller to CINCFE, 5 January 1949, subject: "Veterans Administration Program."

3. In paragraph 2f(8), basic communication, it is indicated that additional photostatic machines have not been received. One photostat machine was shipped to PHILCOM on USAT General Hase that departed from the United States on 23 November 1948. The General Hase was scheduled to arrive in Manila on 15 December 1948. The second photostat machine was shipped to the San Francisco Port of Embarkation on 12 January 1949. The Commanding General, San Francisco Port of Embarkation, has been directed to give priority to the shipment of this photostat machine to PHILCOM.

BY COMMAND OF THE SECRETARY OF THE ARMY:

Adjutant General

8 Incls
n/c

AG 313.3 (7 Dec 48)GA 2nd Ind

GENERAL HEADQUARTERS, FAR EAST COMMAND, APO 500 14 FEB 49

TO: Commanding General, Philippines Command, APO 707

1. With reference to paragraph 1, 1st indorsement, negotiations are now pending between the American Embassy, Manila and the Philippine Government for the signing of agreements as regards the Philippine Government providing of housing records and the American personnel servicing them.

AGCM-M (7 Dec 42) 1st Ind

AGO, Dept of the Army, Washington 25, D. C., 29 January 1949

TO: Commander-in-Chief, Far East Command, APO 500, c/o Postmaster, San Francisco, California

1. Reference is made to paragraph 2f, basic communication. Action is currently being taken by the Department of the Army to provide adequate space for housing the records in question. In this connection reference is made to Department of the Army radio WARX 82723 to CINCFE dated 13 January 1949.

2. Reference is made to paragraph 2g, basic communication, in which it is indicated that additional funds requested by PHILCOM for servicing the Veterans Administration have not been received. In this connection, reference is made to letter from The Army Comptroller to CINCFE, 5 January 1949, subject: "Veterans Administration Program."

3. In paragraph 2f(8), basic communication, it is indicated that additional photostatic machines have not been received. One photostat machine was shipped to PHILCOM on USAT General Haze that departed from the United States on 23 November 1948. The General Haze was scheduled to arrive in Manila on 15 December 1948. The second photostat machine was shipped to the San Francisco Port of Embarkation on 12 January 1949. The Commanding General, San Francisco Port of Embarkation, has been directed to give priority to the shipment of this photostat machine to PHILCOM.

BY COMMAND OF THE SECRETARY OF THE ARMY:

AG 313.3 (7 Dec 48)GA 2nd Ind

GENERAL HEADQUARTERS, FAR EAST COMMAND, APO 500

TO: Commanding General, Philippines Command, APO 707

1. With reference to paragraph 1, 1st indorsement, negotiations are now pending between the American Embassy, Manila and the Philippine Government for the signing of agreements as regards the Philippine Government providing of housing records and the American personnel servicing them.

DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

I & D

FILE NO. AGRS-DC-I 201 Varona, Felipe (23 May 48) 10 303 681

SUBJECT: Discharge. S-16 Oct 48

TO: The Judge Advocate General, Washington, D. C.

FROM: Demob Pers Records Br, AGO, St. Louis 20, Mo.

DATE: 16 Sep 48

COMMENT NO. 1 Kidd/nl-I&D

1. The records show that Felipe Varona, 10 303 681, was enlisted in the Regular Army 4 March 1941; discharged to enlist in the AUS 9 March 1945; reenlisted 10 March 1945 and other than honorably discharged 19 November 1945 under the provisions of Letter GHQ, AFPAC, 15 November 1945, subject: Discharge of Disloyal Philippine Scouts pursuant to the approval of a board of officers appointed to determine the loyalty of this former soldier. His discharge of 9 March 1945 and reenlistment of 10 March 1945 was voided and he was furnished a WD AGO Form No. 56, covering service form 5 March 1941 to 19 November 1945.

2. In view of the redetermination of loyalty and approval of an honorable discharge, should it be held that this former soldier was discharged 9 March 1945 and reenlisted 10 March 1945.

FOR THE ADJUTANT GENERAL:

C. M. Wenzel

Adjutant General

3 Incls
1. Live Case
2. 201 File
3. Enl Rec

JAGA 1948/7085

TO: The Adjutant General (Demob Pers Rec Br, AGO, St. Louis 20, Mo.)

FROM: The Judge Advocate General

DATE: 14 OCT 1948

COMMENT NO. 2 Major Banigan/4341

1. It is the opinion of this office, based upon the facts presented in the inclosed file, that the honorable discharge of 9 March 1945 of Felipe Varona from the Philippine Scouts, Regular Army, and his reenlistment of 10 March 1945 in the Army of the United States were effectively rescinded and declared void for fraud under the provisions of War Department Letter (AG 210.8 (28 Jul 45) OB-S-A) dated 3 August 1945, subject: "Discharge of Disloyal Philippine Scouts and Similar Personnel, and Determination of their Status under the Missing Persons Act, as amended." and are, therefore, of no force or effect.

File
3 incls N/C

JAGA 1948/7085

2. It is the further opinion of this office that the mentioned former soldier may properly be deemed to have been discharged on 19 November 1945 under honorable conditions from his enlistment of 4 March 1941 in the Philippine Scouts.

FOR THE JUDGE ADVOCATE GENERAL:

Riley McClain

RILEY McCLAIN
Lieutenant Colonel, JAGD
Chief, Military Affairs Division

3 Incls
n/c

E X T R A C T

HEADQUARTERS
PHILIPPINES--RYUKYUS COMMAND

CIRCULAR)
NO. 21)

APO 707
13 March 1947

* * * *

V. FUNCTIONS AND RESPONSIBILITIES OF RECOVERED PERSONNEL DIVISION. Paragraph 2b, Circular 100 Hq AFWESPAC, 1946, is rescinded and the following substituted therefor:

b. Review of board proceedings of Philippine Army Loyalty Status Boards in cases where the accused had been ordered discharged by Headquarters AFWESPAC prior to 1 July 1946, when they have been re-opened on the basis of additional evidence presented, and retention in the Philippine Army of the officer or enlisted man concerned is recommended. (GSXRP 323.361)

BY COMMAND OF MAJOR GENERAL MOORE:

J. G. CHRISTIANSEN
Major General, USA
Deputy Commander and
Chief of Staff

OFFICIAL:

/s/ Benito Morales
/t/ BENITO MORALES
Lt Col, AGD
Asst Adj Gen

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HEADQUARTERS
PHILIPPINES—RYUKYUS COMMAND

CIRCULAR)
NO. 21)

APO 707
13 March 1947

Section

* * * * * * * * * * *

Functions and Responsibilities of Recovered Personnel Division..... V

* * * * * *

V. FUNCTIONS AND RESPONSIBILITIES OF RECOVERED PERSONNEL DIVISION. Paragraph 2b, Circular 100, Hq AFWESPAC, 1946, is rescinded and the following substituted therefor:

b. Review of board proceedings of Philippine Army Loyalty Status Boards in cases where the accused had been ordered discharged by Headquarters AFWESPAC prior to 1 July 1946, when they have been re-opened on the basis of additional evidence presented, and retention in the Philippine Army of the officer or enlisted man concerned is recommended. (OSKRP 323.361).

BY COMMAND OF MAJOR GENERAL MOORE:

J. G. CHRISTIANSEN
Major General, USA
Deputy Commander and
Chief of Staff

OFFICIAL:

/s/ BENITO MORALES
Lt Col, AGD
Asst Adj Gen

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E X T R A C T

Incl #3

HEADQUARTERS
PHILIPPINES - RYUKYUS COMMAND
RECOVERED PERSONNEL DIVISION
PHILIPPINE ARMY BRANCH
LIVING CLAIMS SECTION

APO 707

NAME	REMARKS
1. Antonio, Manuel *	Discharged from the service for the convenience of the government under conditions other than honorable.
2. ARQUEZA, Eleodoro	
3. ASIS, Leocadio de	
4. AUSEJO, Monico V.	
5. CASABAR, Vicente D.	
6. CASTILLO, Gabriel *	
7. CASTRO, Antonio M.	
8. CASTRO, Fred Ruiz *	
9. CRUZ, Juan B. Jr.	
10. CUARESMA, Francisco *	
11. CUEVAS, Diosdado	
12. DACANAY, Patrocinio T. *	
13. DIGAMON, Restituto V.	
14. DONDONAY, Pablo D. *	
15. DUAY, Melecio B.	
16. EBERO, Ignacio D. *	
17. FIGUEROA, Ruben R. **	
18. FILOTEO, Ravey C.	
19. ELIZALDE, Augusto C. *	
20. FUSILERO, Hilario G. *	
21. GARCIA, Pastor *	
22. GATCHALIAN, Mateo L. *	
23. GAVIRA, Alfredo B.	
24. GOMEZ, Manuel A. *	
25. GUMABE, Luciano JR *	
26. GUTIERREZ, Valentin *	
27. HERRERA, Carlos *	
28. LEGARDE, Ludovico *	
29. LUNA, Raymundo V.	
30. MENDOZA, Feliciano L.	
31. MONZON, Patricio R. *	
32. OSIAS, Victor M. *	
33. PARGAS, Rafael *	
34. PANANUERA, Trifino C.	
35. ROMERO, Antonio R. *	
36. REYES, Fidel V. *	
37. REYES, Arsenio	
38. SANCHEZ, Demosthenes *	
39. SOTTO, Voltaire O.	
40. SUNCUACO, Luis A.	
41. TIONGSON, Angel O.	
42. TOLENTINO, Conrado C. *	
43. TUCAY, Domingo R.	
44. VARGAS, Donato	
45. VIEJO, Ernesto A.	
46. VERA, Vicente de *	

Note: * Cleared thru Hq PHILCOM
** Cleared but claim was tampered.

Incl #4

112

(9)

HEADQUARTERS AFWESPAC
Check Sheet

Do not remove from attached sheets

File No. GSXRP Subject: Correspondence Re Loyalty of PS.

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(1) FROM: Philippine Scouts Sec. TO: Director, RPD DATE: 18 Jun 1946.

1. Request concurrence with plan to give loyalty clearances from this Division pertaining to Philippine Scouts. In all events, the decisions of the Loyalty Board and Reviewing Authority will be used in correspondence.

2. In the case of former Philippine Scouts now being discharged from AUS, one of the two following indorsements ("A" or "B") will be placed on letters addressed to this Division requesting information concerning their loyalty status prior to discharge:

"A"

Subject individual has been cleared for discharge by this headquarters.

"B"

Subject individual has not been cleared for discharge by this headquarters, to date.

3. In the case of Philippine Scouts applying for commissions, a loyalty clearance is needed. These applicants are divided into two categories, namely, those who were called before the Loyalty Board and those who were not called before the Loyalty Board, in order to determine their loyalty.

(a) In the case of men called before the Loyalty Board, request approval of EXHIBIT "C" (See Incl #1) as the form to be used in answer to requests for their loyalty status.

(b) In the case of men not called before the Loyalty Board, request approval of EXHIBIT "D" (See Incl # 2) as the form to be used in answer to requests for their loyalty status.

2 Incls: As stated.

R W Frothinger

- R. W. FROTHINGER, 1st Lt, Inf. - - - -

Approved
6/19/46
[illegible]

5 C.

(10)

HEADQUARTERS
UNITED STATES ARMY FORCES, WESTERN PACIFIC

APO 707

GSXRP 201 - _____

SUBJECT: Loyalty Status, _____.

TO : Commanding Officer, _____.

1. It is desired _____(Rank) _____ _____(First Name, M.I., Last Name) _____ASN be advised that the recommendations made by the Board of Officers (convened by authority of Letter Orders _____Headquarters _____, dated _____) have been approved to the effect that:

(a) Subject's employment as _____ by _____ from _____to_____ did not constitute an abandonment of loyalty to the United States of America.

(b) Subject individual be retained in service.

BY COMMAND OF LIEUTENANT GENERAL STYER:

Incl # 1 Exh "C"

5. B.

(11)

HEADQUARTERS
UNITED STATES ARMY FORCES, WESTERN PACIFIC
RECOVERED PERSONNEL DIVISION

APO 707

GSXRP 201 - _____194__.

SUBJECT: Loyalty Status, _____.

TO : Commanding Officer, _____.

Loyalty status of subject individual not in question in this Division.

BY ORDER OF COLONEL MARCUS:

Incl # 2 Exh "D"

5. A.

C O P Y

HEADQUARTERS
UNITED STATES ARMY FORCES WESTERN PACIFIC
OFFICE OF THE COMMANDING GENERAL

CIRCULAR)
NO...109)

APO 707
5 June 1946

FUNCTIONS AND RESPONSIBILITIES OF RECOVERED PERSONNEL DIVISION

1. Effective immediately, the Recovered Personnel Division, Adjutant General's Section, Headquarters, AFWESPAC, will assume the responsibility for adjudication and computation of arrears in pay to Philippine Army personnel prior to actual payment by Finance Officer, Philippine Army.

2. The functions and responsibilities will include:

a. Control and supervision of Philippine Army loyalty status boards.

b. Review of board proceedings of Philippine Army loyalty status boards, recommending action by this headquarters in each case where a finding of disloyalty has been reached.

c. Supervision of the Philippine Army in all recovered personnel activities on behalf of this headquarters.

d. Final adjudication and approval of all matters pertaining to payment of arrears in pay submitted to this headquarters by the Philippine Army.

e. Confirmation on behalf of the Commanding General, AFWESPAC, of all Philippine Army promotions except current promotions.

f. As far as practicable, the securing of all data necessary to:

(1) Provide information for settlement of arrears of pay and allowances.

(2) Provide information for settlement of claims from beneficiaries of deceased Philippine Army personnel.

(3) Obtain complete records relating to initial individual records and to final records on separation from active service of Philippine Army personnel. This includes all categories of Philippine Army forces, namely, former USAFFE personnel, recognized guerrillas, and guerrillas recognized hereafter.

Incl #2

3. The Recovered Personnel Division will be guided by War Department directives and current established policies. Changes in existing policies and recommendations for future policy decisions will be submitted to this headquarters for approval.

4. AFWESPAC Circular 102, 28 November 1945, is rescinded. (OSXRP 323.361).

BY COMMAND OF LIEUTENANT GENERAL STYER:

J. O. CHRISTIANSEN
Major General, U.S.A.
Deputy Commander and
Chief of Staff

OFFICIAL:

JOHN R. SPARK
Major, AGD
Asst Adj Gen

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GSXRP: (initials)

IN THE CLEAR

5 FEBRUARY 1946

(50)

FROM: CG AFWESPAC SGD STYER

TO : AGWAR (OPERATIONAL PRIORITY)

G 10553 GSXRP:

THIS MESSAGE RELATES TO FILIPINO PERSONNEL WHO WERE PHILIPPINE SCOUTS OR ARMY OF THE UNITED STATES DURING JAPANESE OCCUPATION OF PHILIPPINES. CERTAIN PERSONNEL IN THIS CATEGORIES ARE DETERMINED NOT TO BE WITHIN A PAY STATUS UNDER THE MISSING PERSONS ACT ACCORDANCE WITH PARAGRAPH 1-e, SECTION 4 of WAR DEPARTMENT PLAN FOR CASUALTY ADMINISTRATION UPON REOCCUPATION OF PHILIPPINES AS AMENDED. SEE LETTER SAME SUBJECT DATED 7 NOVEMBER 1944, FILE AG 704 (30 SEPTEMBER 44) OB-S-EAM. SUGGEST ALSO REFERENCE TO CASE OF PIO Q CALUYA WHOSE STATUS WAS DETERMINED BY LETTER FROM THE ADJUTANT GENERAL DATED 9 JULY 1945, FILE AG-PC-S 201 CALUYA, PIO Q, O-1483. [ARE SUCH PERSONNEL ENTITLED TO BE CREDITED WITH FULL TIME FOR THE PERIOD THEY WERE NOT IN A PAY STATUS AND THEREFORE ENTITLED TO INCREASED LONGEVITY PAY BY REASON OF SUCH TIME?] IS PARAGRAPH 2 AR 35 - 2360 APPLICABLE TO ENLISTED MEN IN THESE CATEGORIES? AR 35-1680 DOES NOT CLARIFY THE ISSUE WITH RESPECT TO PAY OF OFFICERS. REQUEST EARLY REPLY IN ORDER THAT PENDING CASES MAY BE SERVED AT EARLY DATE. OFFICIAL:

MORRIS H. MARCUS
Colonel, AGD
Asst Adj Gen

1A

(51)

Copy

CHECK SHEET

FILE No. GSAA

(1) FROM: G-1 TO: AG, RPD 30 January 1946

1. With reference to proper procedure to be followed in discharging disloyal Philippine Scouts, Major Keyes AG-RPD and Captain Draper G-1 PS Section concurred that PS personnel referred to in the check note of 17 January 1946 from G-1 to AG-RPD, should be limited to officer personnel and that enlisted personnel could best be handled solely by RPD.

2. Recommend this procedure be adopted.

/s/ Martin S. Wragren
for RUSSEL B. REYNOLDS
Major General, GSC
Assistant Chief of Staff, G-1

- -

FROM: Dir, Rec Pers Div TO: PS Section, DATE: 31 January 1946

For necessary action and compliance.

/s/ MHM
/t/ M.H.M.

- -

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~~CONFIDENTIAL~~

WAR DEPARTMENT
The Adjutant General's Office
Washington 25, D. C.

AG 210.8 (28 Jul 45) OB-S-A fm-2B-939 Pentagon

VIA AIR MAIL 3 August 1945

SUBJECT: Discharge of Disloyal Philippine Scouts and Similar Personnel, and Determination of their Status under the Missing Persons Act, as amended.

TO: Commander-in-Chief, United States Army Forces, Pacific

REFERENCES: a. Letter AG 210.8 (1 May 45)OB-S-A, 4 May 1945, subject: Discharge of Disloyal Philippine Scouts and Similar Personnel.

b. Radiogram WAR 26675, 3 July 1945, to Commander-in-Chief, Army Forces, Pacific.

c. Letter AG 210.8 (15 Jun 45)OB-S-A, 5 July 1945, subject: Disloyal Philippine Scouts.

1. The purpose of this letter is:

a. To consolidate previous directives to the Commander-in-Chief, Army Forces, Pacific, pertaining to discharge of disloyal Philippine Scouts and similar personnel.

b. To rephrase previous directives to indicate clearly that the discharge of the mentioned personnel under conditions other than honorable by reason of service under the Japanese or a Japanese puppet government shall not be ordered if it appears that the person concerned remained loyal notwithstanding his mentioned conduct.

c. To provide for equitable treatment of persons heretofore discharged under the mentioned directives without consideration of their loyalty.

2. References noted above are rescinded and the following substituted therefor:

Section I. Discharge of Disloyal Philippine Scouts, Filipino Reserve Officers called to active duty under U. S. Army Officers' Reserve Corps commissions, and former Philippine Scouts appointed temporary officers, [illegible] and determination of status of mentioned personnel under the Missing Persons Act, as amended.

Incl #1

1. The Secretary of War directs authority is granted under paragraph 1, Army Regulations 615-365, 15 December 1944, for the Commander-in-Chief, Army Forces, Pacific, to discharge, for the convenience of the government, under conditions other than honorable, disloyal enlisted men of the Philippine Scouts administratively determined to have served under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such discharge, it may be accomplished in compliance with the following provisions:

a. The provisions of subparagraph 6a, Army Regulations 615-365, 15 December 1944, and paragraph 4, Army Regulations 615-360, 20 July 1944, shall not be applicable in the mentioned cases.

b. The mentioned Commander-in-Chief shall convene a board of officers, three in number if practicable, to determine in each case, subject to review and final determination by the mentioned Commander-in-Chief, whether the enlisted man concerned served under the Japanese or a Japanese puppet government in any capacity. Such action will not be based upon mere suspicion alone, but will rest upon evidence. Evidence that the enlisted man concerned admitted such service shall be deemed sufficient to support an affirmative finding. The mentioned affirmative finding shall not be made in any case in which it clearly appears that the person concerned remained loyal notwithstanding such conduct.

c. The enlisted man concerned shall be entitled to notice, actual wherever possible, of the mentioned hearing and to counsel upon his request.

d. Upon an approved affirmative finding, the enlisted man concerned shall be discharged for the convenience of the Government, under conditions other than honorable (WD AGO Form 53-56, 1 Nov 1944), with character of less thatn "good", as the mentioned Commander-in-Chief shall determine on the basis of the record. There shall be placed upon the face of the certificate of discharge the words, "By reason of service under the Japanese (or a Japanese puppet) government". If discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to the Adjutant General for filing.

2. The Secretary of War directs authority is granted to the mentioned Commander-in-Chief to announce, by direction of the President, the discharge of disloyal Filipino reserve officers called to active duty under U.S. Army Officers' Reserve Corps commissions and disloyal former Philippine Scouts appointed temporary officers, AUS, upon administrative determination that such officers served under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such action, it may be accomplished in compliance with the following provisions:

a. Army regulations relating to reclassification of officers and directives relating to action by the Secretary of War's Separations Board, shall not be applicable in the mentioned cases.

b. The provisions of subparagraphs 1b and 1c above, shall apply.

c. Upon an approved affirmative finding, the discharge of the officer concerned shall be announced by direction of the President. The discharge (WD AGO Form 53-99, 1 Nov 1944) shall contain the statement "By reason of service under the Japanese (or a Japanese puppet) government". If such discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to the Adjutant General for filing.

3. The Secretary of War directs authority is granted to the Commander-in-Chief, Army Forces, Pacific, under the provisions of the Missing Persons Act, as amended, to make a determination of "absent from Post of Duty without Authority", for Filipino personnel covered by paragraphs 1 and 2 above, when there is reasonably conclusive evidence of intent to avoid or shirk combat or hazardous duty or of abandonment of loyalty."

Section II. Rescission or honorable discharge from Philippine Scouts and reenlistment in the Army of the United States in cases of disloyalty.

1. The Secretary of War directs authority is granted for the Commander-in-Chief, Army Forces, Pacific, in any case in which a disloyal enlisted man of the Philippine Scouts was or is hereafter honorably discharged from the Philippine Scouts for the purpose of reenlistment in the Army of the United States, to rescind the mentioned discharge and reenlistment for fraud by reason of the concealment of services under the Japanese or a Japanese puppet government in any capacity. In any case in which the mentioned Commander-in-Chief believes that the facts may justify such action, it may be accomplished in compliance with the following provisions.

a. The mentioned Commander-in-Chief, shall submit to a board, convened as directed in Paragraph 1 of Section I hereof, the issues whether the enlisted man concerned served under the Japanese or a Japanese puppet government in any capacity, and whether he failed to disclose such conduct prior to his discharge from the Philippine Scouts and reenlistment in the Army of the United States. Affirmative findings shall not be made in any case in which it clearly appears that the person remained loyal notwithstanding such conduct.

b. Upon approved affirmative finding,

(1) the discharge and reenlistment shall be declared by direction of the Secretary of War to be null and void by reason of fraud, and the enlisted man dropped from the enlistment in the Army of the United States (a certificate of discharge shall not be issued with respect to the enlistment in the Army of the United States);

(2) the person concerned shall thereupon be discharged from his enlistment in the Philippine Scouts under conditions other than honorable; and

(3) the status of the person concerned under the Missing Persons Act, as amended, shall be determined under the provisions of paragraph 3 of Section 1 hereof.

2. These proceedings shall conform to the procedure outlined in paragraph 1 of Section I hereof.

Section III. Redetermination of affirmative findings made under Section I and Section II.

1. The Secretary of War by direction of the President directs authority is granted for the mentioned Commander-in-Chief to take action in compliance with the following provisions in any case in which affirmative findings were made under Section I and Section II hereof without consideration of the question whether the person concerned remained loyal notwithstanding service under a Japanese or a Japanese puppet government and in which the mentioned Commander-in-Chief believes that the facts may warrant the relief hereafter provided:

a. There shall be submitted to a board of officers, convened in accordance with Section I hereof, the issue whether it clearly appears that the person concerned remained loyal notwithstanding his mentioned conduct.

b. Upon an approved affirmative finding in the case of a former enlisted man,

(1) if it is determined by the mentioned Commander-in-Chief that such former enlisted man shall not render further military service, the mentioned Commander-in-Chief shall administratively determine that the discharge is deemed to be under honorable conditions and an appropriate indorsement may be placed upon the outstanding discharge certificate, unless it appears that his discharge under honorable conditions is otherwise not warranted, in which event there shall be noted administratively a change in the basis for the discharge under other than honorable conditions and a like notation may be indorsed upon the outstanding certificate; or

(2) if it is determined by the mentioned Commander-in-Chief that such former enlisted man shall render further military service, he shall be reenlisted in the Army of the United States, and, if his reenlistment is honorably terminated, the outstanding discharge from the prior enlistment in the Philippine Scouts shall at that time be administratively determined to be under honorable conditions and an appropriate indorsement then placed upon the outstanding certificate of discharge from the Philippine Scouts; and

(3) a redetermination of his status under the Missing Persons Act, as amended, may be made.

c. Upon an approved affirmative finding in the case of a former officer,

(1) if it is determined by the mentioned Commander-in-Chief that such former officer shall not render further military service, the provisions of subparagraph 1b(1) of this Section shall apply; or

(2) if it is determined by the mentioned Commander-in-Chief that such former officer shall render further military service, the provisions of subparagraph 1b(2) of this Section shall apply, except that instead of reenlistment the mentioned Commander-in-Chief by direction of the President shall announce his appointment as a temporary officer, AUS, in the grade held by him at the time of his discharge; and

(3) a redetermination of his status under the Missing Persons Act, as amended, may be made.

2. These proceedings shall conform to the procedure outlined in paragraph 1 of Section I hereof.

By order of the Secretary of War:

/s/ Edward F. Witsell
/t/ EDWARD F. WITSELL
Major General
Acting the Adjutant General

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War Department Dependency Board
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Director, Military Personnel Div., ASF
The Judge Advocate General
Officers Branch, AGO
Enlisted Branch, AGO

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WAR DEPARTMENT
The Adjutant General's Office
Washington 25, D. C.

Fourteen

(88)

AG 210.8 (1 May 45) OB-S-A

CJH/jwf 2B-939 Pentagon

4 May 1945

SUBJECT: Discharge of Disloyal Philippine Scouts and Similar Personnel

TO: Commanding General, U.S. Army Forces in the Far East.

1. Reference is made to radiogram U 20188, 12 April 1945, from your headquarters concerning final determination of status of Philippine Scout personnel and discharge and relief from active duty of disloyal Philippine Scouts, Filipino Reserve Officers called to active duty under U.S. Army Officers' Reserve Corps commissions, and officers commissioned in the AUS who were formerly Philippine Scouts, when records indicate service under Japanese or Filipino puppet governments but general court-martial is not warranted.

2. The Secretary of War directs authority is granted under paragraph 1, Army Regulations 615-365, 15 December 1944, for the Commanding General, U.S. Army Forces in the Far East, to discharge, for the convenience of the government, under conditions other than honorable, enlisted men of the Philippine Scouts administratively determined to have served under the Japanese or a Japanese puppet government in any capacity. The following will apply:

a. The provisions of subparagraph 6a, Army Regulations 615-365, 15 December 1944, and paragraph 4, Army Regulations 615-360, 20 July 1944, shall not be applicable in the mentioned cases.

b. The mentioned Commanding General shall convene a board of officers, three in number, if practicable, to determine in each case, subject to review and final determination by the mentioned Commanding General, whether the enlisted man concerned served under the Japanese or a Japanese puppet government in any capacity. Such action will not be based upon mere suspicion alone, but will rest upon evidence. Evidence that the enlisted man concerned admitted such service shall be deemed sufficient to support an affirmative finding.

c. The enlisted man concerned shall be entitled to notice, actual if practicable, of the mentioned hearing and to counsel upon his request.

d. Upon an approved affirmative finding, the enlisted man concerned shall be discharged for the convenience of the Government, under conditions other than honorable (WD AGO Form 53-56, 1 Nov 1944),

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with character of less than "good", as the mentioned Commanding General shall determine on the basis of the record. There shall be placed upon the face of the certificate of discharge the words, "By reason of service under the Japanese (or a Japanese puppet) government". If discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to The Adjutant General for filing.

3. The Secretary of War directs that authority is granted to the mentioned Commanding General to announce, by direction of the President, the discharge of Filipino reserve officers called to active duty under U. S. Army Officers' Reserve Corps commissions and former Philippine Scouts appointed temporary officers, AUS, upon an administrative determination that he served under the Japanese or a Japanese puppet government in any capacity. The following will apply:

a. Army Regulations relating to reclassification of officers, and directives relating to action by the Secretary of War's Separations Board, shall not be applicable in the mentioned cases.

b. The provisions of subparagraphs 2b and 2c, above, shall apply.

c. Upon an approved affirmative finding, the discharge of the officer concerned shall be announced by direction of the President. The discharge (WD AGO Form 53-99, 1 Nov 1944) shall contain the statement "by reason of service under the Japanese (or a Japanese puppet) government". If such discharge is ordered, the record of proceedings and action thereon, including a statement of the evidence, shall be forwarded to The Adjutant General for filing.

4. The Secretary of War directs that authority is granted to the Commanding General, U. S. Army Forces in the Far East, under the provisions of the Missing Persons Act, as amended, to make a determination of "absent from post of duty without authority", for Filipino personnel covered by paragraphs 2 and 3 above, when there is reasonably conclusive evidence of intent to avoid or shirk combat or hazardous duty or of abandonment of loyalty.

5. The Judge Advocate General advises that although the War Department may grant authority to the Commanding General, U. S. Army Forces in the Far East, to either relieve from active duty or to discharge these disloyal officers, for practical purposes the effect will be the same.

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(90)

AG 210.8 (1 May 45)OB-S-A (Cont'd) 4 May 1945

Except with respect to offenses falling within Article of War 94 (10 U.S.C. 1566), and perhaps also in other cases in which court-martial jurisdiction has attached prior to relief from active duty and reversion to an inactive status, such relief, like a discharge, operates to bar subsequent court-martial proceedings for an offense committed during active duty service. In view of the facts that procedures must be the same in either case, and that the effects are the same, the War Department has granted authority, to discharge such disloyal officers rather than to relieve them from active duty.

By order of the Secretary of War:

/s/ J. A. Ulio
/t/ J. A. ULIO
Major General
The Adjutant General

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