

H. R. 8175 & 8176, 82ND CONGRESS - TO PROVIDE BENEFITS FOR CERTAIN PERIODS MISC-19
OF NCS TO PS AND PA PERSONNEL

DECLASSIFIED
Authority: NND 11278

DECLASSIFIED

Authority N 80332078

H.R. 8175 & 8176, 82ND CONGRESS
TO PROVIDE BENEFITS FOR CERTAIN PERIODS OF
NCS TO PS AND PA PERSONNEL

MISC - 19

DISPOSITION FORM

FILE NO.

SUBJECT

TO

Capt. W. A. Johnson
Ch, Vets Br

FROM

E. L. Davis
CIC, Proj "J" Sec

DATE

28 Aug 52

COMMENT NO. 1

I have studied HR 8175 and HR 8176 and I believe they are in themselves unnecessary and are surely inadequate.

The Missing Persons Act was not, to my mind, an Act just applicable and written solely for the last war but is a Law which will continue indefinitely as long as needed. [Please note very recent letter received from CWO Richard Evans, former OIC of Project "J" Section.]

It appears to me Congressional Action maybe necessary to appropriate additional funds for such a program, but no amendment is believed necessary in the basic law of the Missing Persons Act.

Benefits desired for those individuals that had periods of NCS under the "restraint policy" should come as a result of an amendment of such a "restraint policy."

It is shown that the "restraint policy" is embodied in paragraph 1e, Sec 4 of the War Department Casualty Plan for Reoccupation of the Philippines. It is to be noticed that this "restraint policy" does not cover services, such as PS, PA or WD employees, but covers certain circumstances. The interpretation of such paragraph made by this Headquarters and concurred in by Higher Headquarters is contained in our Staff Memo 14. The WD Casualty Plan as understood in this office, evolved after conferences held in Washington with various concerned War Department Agencies such as: The Adjutant General, Quartermaster General (AGAS work), War Department Dependency Board and also the Navy Department for coordinated effort, to complete War Department work in the Philippines as required by their interpretation of the provisions of the Missing Persons Act. It appears Major General Jay L. Benedict, President of the War Department Dependency Board took a leading role in the formulation of the policies for this Casualty Plan.

It would seem to me that representation by those interested parties should have been made with The Adjutant General, Washington D. C., for amendments to the War Department Casualty Administration Plan. It may readily be seen that amending paragraph 1e, Sec 4 of this plan to conform to intent of proposed Bills would alter our Staff Memo 14, and therefore, with further appropriated funds, would reopen program.

I mentioned in my first paragraph that the Bills were inadequate. I would like to clarify that statement. To my mind I believe the Bills to be not only inadequate, but prejudicial. It will be noticed throughout basic Public Law, or known more commonly as The Missing Persons Act, that military personnel and WD civilian employees are equally covered. However, in the proposed amendment, it

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Authority NO 883078

Disposition Form (Cont'd)
To Capt., W. A. Johnson

28 August 1952

appears that civilian employees are singularly excluded. Reason for this is certainly not understood. Service for military personnel terminates on receipt of discharge form or similar document. Separation as a WD civilian employee terminates on receipt of separation document. Neither the military personnel or civilian employees received such forms during our hasty retreat or during later surrender dates. In employment contracts and in oaths of allegiance, civilian employees of the U. S. government are bound to agree to certain restrictive measures, are informed of their certain rights and privileges and are told they are covered by Civil Service Rules and Regulations which are believed more voluminous even than Army Regulations. To determine then that military personnel were never properly discharged and are, therefore, under the proposed legislation, entitled to full pay and allowances during previous determined NCS period, is certainly not compatible with a determination under similar circumstances for a civilian employee, that once the WD civilian enters previously determined NCS period, he is automatically separated from government employment, which is what in effect present determinations for local civilian employees actually accomplishes. Earned accumulated sick and annual leave were not even accorded.

This perhaps seems sarcastic, but to me these bills as presently written seem about as well thought out and are as biased as the War Claims Act, wherein WD Civilian employees, although imprisoned, forced to do hard labor, vilified, starved, beaten and in many cases killed by the enemy, all because of their affiliation with the War Department, are denied benefits of a law passed to cover just such treatment.

Elvard L. Davis
ELVARD L. DAVIS, DAC

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82D CONGRESS
2d Session H. R. 8175

A HILL

To amend section 2 of the Missing Persons Act, so as to provide that benefits thereunder shall be available to members of the organized military forces of the Commonwealth of the Philippines who were inducted into the United States Army Forces in the Far East (USAFPE) pursuant to the military order of the President of the United States dated July 26, 1941.

By Mr. Teague

June 11, 1952
Referred to the Committee on
Armed Services

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5

MEMO ROUTING SLIP

NEVER USE FOR APPROVALS, DISAPPROVALS, CONCURRENCES, OR SIMILAR ACTIONS.

1	NAME OR TITLE Miss Heger	INITIALS	CIRCULATE
	ORGANIZATION AND LOCATION Hq, WW II Corres Sec	DATE	COORDINATION
2	Mr. Wyrsch		FILE
	Casualty Unit, WW II Corres Sec		INFORMATION
3			NECESSARY ACTION
4	DECLASSIFIED Authority <u>MMO 883078</u>		NOTE AND RETURN
			SEE ME
			SIGNATURE
REMARKS			
FROM NAME OR TITLE Admin Unit, Exec Sec		DATE	
ORGANIZATION AND LOCATION DFBR		10 Sep 52	
		TELEPHONE	771

DD FORM 1 FEB 50 94 REPLACES NME FORM 34, 1 FEB 49, WHICH MAY BE USED. 16-62243-2

COMMIT NO. 2
Wyrsch/778
1952
Coburn/46/73548

with request con-
sent of the Army in
cerning non-casualty
... 6,000
... be payable by the
8176 (See Exhibit B,
... \$2,500,000

c. Estimated costs which would be involved in adjudicating claims which might be submitted to Demobilized Personnel Records Branch should H. R. 8176 be enacted (See Exhibit C, Insl #5) \$151,857.49

d. Additional information for use in preparing Department of the Army report on H. R. 8175 and H. R. 8176:

(1) Letter addressed to Mr. Milton D. Kyle, Chairman, Philippines-Pacific War Veterans, Minneapolis, Minnesota, dated 12 June 1952, concerning application of the Missing Persons Act for Philippine Scout and Philippine Army personnel (See Insl #6).

(2) Department of State note to the Philippine Embassy, dated 28 June 1951, concerning the reopening of the Philippine program (See Insl #7).

H. H. Newman
Colonel, AGC

H. H. NEWMAN, Colonel, AGC
Chief of Branch

- 7 Insls
- Added 5 incls
- 3.-5. Exhibits A - C (in dupe)
- 6. Ltr dtd 12 Jun 52 (in dupe)
- 7. Dept of State note dtd 28 Jun 51 (in dupe)



AGDP-W
SUBJECT: Proposed Legislation, H. R. 8175 and H. R. 8176

TO:
Chief, Admin Svc Div, TAGO
Rm 1A 803, The Pentagon

FROM:
Chief, Death Pers Res
Br, TAGO

DATE:
10 SEP 1952

COMMENT NO. 2
Wyrach/776

1. The following information is furnished in connection with request contained in Comment No. 1, 4 August 1952, for use by the Department of the Army in connection with H. R. 8175 and H. R. 8176, 82d Congress, concerning non-casualty status of Philippine Scout and Philippine Army personnel:

a. Estimated number of Philippine Scouts which would be entitled to benefits under H. R. 8176 (See Exhibit A, Insl #3) 6,000

b. Estimated total amount of benefits which would be payable by the Army to Philippine Scouts entitled to benefits under H. R. 8176 (See Exhibit B, Insl #4) \$2,210,000.00

c. Estimated costs which would be involved in adjudicating claims which might be submitted to Desobilized Personnel Records Branch should H. R. 8176 be enacted (See Exhibit C, Insl #5) \$131,057.40

d. Additional information for use in preparing Department of the Army report on H. R. 8175 and H. R. 8176:

(1) Letter addressed to Mr. Milton D. Kyle, Chairman, Philippines-Pacific War Veterans, Minneapolis, Minnesota, dated 12 June 1952, concerning application of the Missing Persons Act for Philippine Scout and Philippine Army personnel (See Insl #6).

(2) Department of State note to the Philippine Embassy, dated 28 June 1951, concerning the reopening of the Philippine program (See Insl #7).

H. H. Newman
Colonel, AGO

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(in dupe)
- 6. Ltr dtd 12 Jun 52
(in dupe)
- 7. Dept of State note
dtd 28 Jun 51 (in dupe)



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Authority NO 882078

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AGCM-M

Proposed Legislation, H. R. 8175 and H. R. 8176

THRU Chief, Adm-Svc-Div, TAGO
/int/ LLB

Chief, Compt Div, TAGO

4 Aug 1952

Guthrie/ht/73658

TO Chief, DPRB, TAGO
4300 Goodfellow Blvd
St. Louis 20, Missouri

1. Reference is made to the attached copies of H.R. 8175 and H. R. 8176, 82nd Congress, which would provide benefits for certain periods of non-casualty status to Philippine Scouts and Philippine Army personnel who served with the U. S. Armed Forces during World War II.

2. The information listed below is requested for use in opposing these bills. Similar information concerning Philippine Army personnel is being requested from the Commanding Officer, Adjutant General Records Depository, Manila, P.I.

a. An estimate of the number of Philippine Scout personnel that would be entitled to benefits provided by H. R. 8176.

b. An estimate of the total amount of benefits that would be paid by the Army to Philippine Scout personnel entitled to benefits provided by H. R. 8176, if that bill were enacted.

c. An estimate of the cost that would be involved in adjudicating claims which would be submitted to the Demobilized Personnel Records Branch if H. R. 8176 were enacted.

d. Any other information which should be considered in preparing the Department of the Army report on H. R. 8175 and H. R. 8176.

2 Incls

1. H. R. 8175

2. H. R. 8176

/s/ Garlen R. Bryant

GARLEN R. BRYANT, Colonel, AGC

Deputy Chief, Comptroller, Div, TAGO

COPY

AIR MAIL

C O P Y

C O P Y

82d CONGRESS
2d Session H. R. 8175

IN THE HOUSE OF REPRESENTATIVES

June 11, 1952

Mr. Teague (by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend section 2 of the Missing Persons Act, so as to provide that benefits thereunder shall be available to members of the organized military forces of the Commonwealth of the Philippines who were inducted into the United States Army Forces in the Far East (USAFPE) pursuant to the military order of the President of the United States dated July 26, 1941.

- 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 That section 2 of the Missing Persons Act (50 App. U.
 - 4 S. C., sec. 1002) is amended by inserting immediately
 - 5 before the period at the end thereof a colon and the follow-
 - 6 ing: "Provided further, That notwithstanding any other
 - 7 provision of law, such entitlement to pay and allowances
- 2-1*

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Authority NR033078

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1 shall not be denied, in the case of any member of the or-
2 ganized military forces of the Commonwealth of the Philip-
3 pines who was inducted into the United States Army Forces
4 in the Far East (USAFPE) pursuant to the military order
5 of the President of the United States dated July 26, 1941,
6 and who was captured in the Philippine Islands by the
7 enemy during World War II, solely on the ground that such
8 member was paroled and permitted to return to his home
9 and engage in civilian pursuits prior to the termination of
10 the Japanese occupation of such islands".

11 SEC. 2. Claims of members of the organized military
12 forces of the Commonwealth of the Philippines who were
13 inducted into the United States Army Forces in the Far
14 East (USAFPE) pursuant to the military order of the
15 President of the United States dated July 26, 1941 for pay
16 and allowances under section 2 of the Missing Persons
17 Act (whether or not such claims have been presented and
18 rejected or disallowed) may, until three years after date
19 of the enactment of this Act, be presented for consideration
20 or reconsideration and payment under section 2 of the Miss-
21 ing Persons Act, as amended by the first section of this Act.

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Authority N 0889078

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82d CONGRESS
2d Session H. R. 6176

IN THE HOUSE OF REPRESENTATIVES

June 11, 1952

Mr. Teague (by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend section 2 of the Missing Persons Act, so as to provide that benefits thereunder shall be available to certain members of the Philippine Scouts and to members of the organized military forces of the Commonwealth of the Philippines who were inducted into the United States Army Forces in the Far East (USAFPE) pursuant to the military order of the President of the United States dated July 26, 1941.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 That section 2 of the Missing Persons Act (50 App. U. S. C.,
- 4 sec. 1002) is amended by inserting immediately before the
- 5 period at the end thereof a colon and the following: "Pro-
- 6 vided further, That notwithstanding any other provision of
- 7 law, such entitlement to pay and allowances shall not be

Incl 2

1 denied, in the case of any member of the Philippine Scouts
2 who was captured in the Philippine Islands by the enemy
3 during World War II, and in the case of any member of the
4 organized military forces of the Commonwealth of the Philip-
5 pines who was inducted into the United States Army Forces
6 in the Far East (USAFFE) pursuant to the military order
7 of the President of the United States dated July 26, 1941,
8 and who was captured in the Philippine Islands by the enemy
9 during World War II, solely on the ground that such member
10 was paroled and permitted to return to his home and engage
11 in civilian pursuits prior to the termination of the Japanese
12 occupation of such islands".

13 SEC. 2. Claims of members of the Philippine Scouts,
14 and of members of the organized military forces of the Com-
15 monwealth of the Philippines who were inducted into the
16 United States Army Forces in the Far East (USAFFE)
17 pursuant to the military order of the President of the United
18 States dated July 26, 1941, for pay and allowances under
19 section 2 of the Missing Persons Act (whether or not such
20 claims have been presented and rejected or disallowed) may,
21 until three years after the date of the enactment of this Act,
22 be presented for consideration or reconsideration and payment
23 under section 2 of the Missing Persons Act, as amended by
24 the first section of this Act.

- I. Estimated Number of Philippine Scouts Who Served In WW II.....15,000
- A. Number of Philippine Scouts Reported Missing in Action as of 7 May 1942.....12,000
(Source: War Department Plan for Casualty Administration Upon Re-occupation of the Philippines, dtd 7 Nov 44, Appendix 1, Par 3,)
- B. Number of Philippine Scout Claims Received in AGRD as of June 1949.....16,810
(Source: Accomplishment Report, AGRD, dtd 10 Jun 49)
- C. Number of Philippine Scout Cases (Resolved and Unresolved) Prior to 31 Dec 1946.....14,100
(Source: Statistical Data of Project "J" Branch, AGRD, undated)
- D. Estimated Number of Philippine Scouts in Service in 1942.....15,872
(Source: Individual name cards prepared from PS payrolls covering period from Oct 41 to Mar 42--approximately 256 inches of such cards on file DPRB, with 62 cards to each inch, making a total of 15,872)
- E. Estimated Number Project "J" Philippine Scout Files Received in DPRB from AGRD.....17,000
(Source: Screening of Project "J" Shipping Lists)
- II. Estimated Number of Philippine Scouts Entitled to Benefits Under H. R. 8176.....6,000
- A. Based on Screening 100 Records which showed following:
1. Number of prisoners of war in 1942.....79
 2. Number of Philippine Scouts Determined to be in non-casualty status subsequent to prisoner of war status.....41
 3. Percentage of personnel entitled to benefits under H. R. 8176.....40%
 4. 40% of 15,000.....6,000

EXHIBIT B

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Authority NO 332078

- I. Estimated Number of Philippine Scouts Entitled to Benefits....6,000
- II. Estimated Average Payment to each Individual.....\$440.00
- A. Based on screening of 40 records which showed the following:
1. Grades ranging from private to master sergeant
 2. 70% of eligible personnel entitled to longevity credits based on prior service.
 3. Average of 29 months non casualty status per each individual.
- B. Rates of Monthly Base and Longevity Pay of Philippine Scouts as shown in AR 35-2720, dated 31 August 1942 (See Inclosure 1)
- III. Estimated Total Amounts of Benefits Payable (6,000 x \$440.) \$2,640,000.00

Incl #4 "EXHIBIT B"

DECLASSIFIED

Authority N 0083078

*AR 35-2720

1-3

ARMY REGULATIONS
No. 35-2720WAR DEPARTMENT,
WASHINGTON, August 31, 1942.

FINANCE DEPARTMENT

PAY AND ALLOWANCES OF PHILIPPINE SCOUTS

Statutory provisions.....	Paragraph
Rates of pay.....	1
Travel pay on discharge.....	2
Cross references.....	3
	4

1. Statutory provisions.—The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army. * * * Sec. 11, act June 16, 1942 (sec. 1, Bull. No. 28, W. D., 1942).

2. Rates of pay.—The following rates of monthly base and longevity pay will govern for the Philippine Scouts:

Grade	Base pay	Over 5 years' service	Over 6 years' service	Over 9 years' service	Over 12 years' service	Over 15 years' service
First grade: Master sergeant.....	\$43.00	\$45.15	\$47.30	\$49.45	\$51.60	\$53.75
Second grade: First sergeant, technical sergeant.....	35.00	36.75	38.50	40.25	42.00	43.75
Third grade: Staff sergeant, technician, third grade.....	30.00	31.50	33.00	34.50	36.00	37.50
Fourth grade: Sergeant, technician, fourth grade.....	25.00	26.75	28.50	29.25	30.00	31.00
Fifth grade: Corporal, technician, fifth grade.....	18.00	19.43	20.85	22.28	22.20	23.15
Sixth grade: Private, first class.....	11.00	11.25	12.10	12.65	13.20	13.75
Seventh grade: Private.....	9.00	9.45	9.90	10.35	10.80	11.25

Grade	Over 18 years' service	Over 21 years' service	Over 24 years' service	Over 27 years' service	Over 30 years' service
First grade: Master sergeant.....	\$58.90	\$58.05	\$60.20	\$62.35	\$64.50
Second grade: First sergeant, technical sergeant.....	45.50	47.25	49.00	50.75	52.50
Third grade: Staff sergeant, technician, third grade.....	39.00	40.50	42.00	43.50	45.00
Fourth grade: Sergeant, technician, fourth grade.....	32.15	34.43	35.70	36.98	38.25
Fifth grade: Corporal, technician, fifth grade.....	24.65	26.98	28.90	29.85	31.75
Sixth grade: Private, first class.....	14.30	14.85	15.40	15.95	16.50
Seventh grade: Private.....	11.70	12.15	12.60	13.05	13.50

3. Travel pay on discharge.—Enlisted men of the Philippine Scouts will be paid the same travel pay on discharge as is authorized by law for enlisted men of the Regular Army.

*This pamphlet supersedes AR 35-2720, April 10, 1933, including C 1, August 10, 1942.

AR 35-2720

FINANCE DEPARTMENT

4

4. Cross references.—*a. Monetary allowances in lieu of rations and quarters for enlisted men and for dependents of certain enlisted men.—See AR 35-4520.*
b. Money allowance, transportation of dependents, Regular Army.—See AR 35-5320.
c. Pay of enlisted men—general.—See AR 35-2340.
d. Pay for distinguished-service awards.—See AR 35-1500.
 (A. G. 242.14 (7-4-42).)

BY ORDER OF THE SECRETARY OF WAR:

G. C. MARSHALL,
Chief of Staff.

OFFICIAL:

J. A. ULIO,
Major General,
The Adjutant General.

DISTRIBUTION:

S.

Year	Month	Amount	...	...	...
1918	1	10.00	...	...	...
1918	2	10.00	...	...	...
1918	3	10.00	...	...	...
1918	4	10.00	...	...	...
1918	5	10.00	...	...	...
1918	6	10.00	...	...	...
1918	7	10.00	...	...	...
1918	8	10.00	...	...	...
1918	9	10.00	...	...	...
1918	10	10.00	...	...	...
1918	11	10.00	...	...	...
1918	12	10.00	...	...	...
1919	1	10.00	...	...	...
1919	2	10.00	...	...	...
1919	3	10.00	...	...	...
1919	4	10.00	...	...	...
1919	5	10.00	...	...	...
1919	6	10.00	...	...	...
1919	7	10.00	...	...	...
1919	8	10.00	...	...	...
1919	9	10.00	...	...	...
1919	10	10.00	...	...	...
1919	11	10.00	...	...	...
1919	12	10.00	...	...	...
1920	1	10.00	...	...	...
1920	2	10.00	...	...	...
1920	3	10.00	...	...	...
1920	4	10.00	...	...	...
1920	5	10.00	...	...	...
1920	6	10.00	...	...	...
1920	7	10.00	...	...	...
1920	8	10.00	...	...	...
1920	9	10.00	...	...	...
1920	10	10.00	...	...	...
1920	11	10.00	...	...	...
1920	12	10.00	...	...	...

EXHIBIT C

The estimated cost involved in adjudicating claims which would be submitted to Demobilized Personnel Records Branch if H. R. 8176 were enacted was based on the following computation according to grade of the clerk required to process the cases. In this connection it may be stated that in each of the following grades a limit of 3 years has been set for the completion of the expected number of cases since H. R. 8176 provides a deadline of 3 years for receipt of claims:

GS-5 Analyst (for redeterminations of status)

- a. Cases completed per clerk per day4
- b. Total cases requiring determinations of status.....6,000
- c. Number of days for one clerk to complete 6,000 cases.....1,500
- d. Number working days per year..... 260
- e. Number of years for one clerk to complete 6,000 cases..... 5.8
- f. Number of clerks required to complete 6,000 cases in 3 years..... 1.9
- g. Allowances, absenteeism-3%- additional clerks required..... .1
- h. Total clerks required..... 2.0
- i. Base pay of GS-5 clerk.....\$3410.00
- j. Total cost for 2 clerks for 3 years.....\$20,460.00

GS-3 Stenographer

- a. Cases completed by clerk per day.....7
- b. Total cases to be processed.....6,000
- c. Number of days for one clerk to complete 6,000 cases..... 857

Incl #5 'EXHIBIT C'

EXHIBIT C

- d. Number working days per year.....260
- e. Number of years for one clerk to complete
 6,000 cases..... 3.3
- f. Number of clerks required to complete 6,000
 cases in 3 years..... 1.1
- g. Allowances, absenteeism -8%- additional
 clerks required..... 1
- h. Total clerks required.....1.2
- i. Base pay of GS-3 clerk.....\$2950.00
- j. Total cost for 1.2 clerk for 3 years....\$10,620.00

GS-6 Reviewer

- a. Cases completed by clerk per day..... 15
- b. Total cases to be reviewed.....6,000
- c. Number of days for one clerk to complete 6,000
 cases..... 400
- d. Number working days per year..... 260
- e. Number of years for one clerk to complete 6,000
 cases..... 1.5
- f. Number of clerks required to complete 6,000 cases
 in 3 years..... .5
- g. Allowances, absenteeism - 8% - additional clerks
 required..... 04
- h. Total clerks required..... .54
- i. Base pay of GS-6 clerk..... \$3,795.00
- j. Total cost for .54 clerk for 3 years..... \$6,046.90

GS-4 Analyst

- a. Cases completed by clerk per day..... 7

EXHIBIT C

- b. Total cases to be processed.....24,050
(See Incl 1, Exhibit c)
- c. Number of days for one clerk to complete
24,050 cases.....3,435
- d. Number working days per year..... 260
- e. Number of years for one clerk to complete
24,050 cases..... 13.2
- f. Number of clerks required to complete 24,050
cases in 3 years..... 4.4
- g. Allowances, absenteeism - 8% - additional
clerks required..... .4
- h. Total clerks required..... 4.8
- i. Base pay of GS-4 clerk..... \$3,175.00
- j. Total cost for 4.8 clerk for 3 years.....\$46,720.00

GS-5 Reviewer

- a. Cases completed by clerk per day..... 30
- b. Total cases to be reviewed..... 24,050
- c. Number of days for one clerk to complete
24,050 cases..... 801
- d. Number working days per year..... 260
- e. Number of years for one clerk to complete
24,050 cases..... 3.1
- f. Number of clerks required to complete 24,050
cases in 3 years..... 1.0
- g. Allowances, absenteeism - 8% - additional clerks
required..... .1
- h. Total clerks required..... 1.1
- i. Base pay of GS-5 clerk..... \$3,410.00

EXHIBIT C

J. Total cost for 1.1 clerk for 3 years.....\$11,253.00

GS-2 Searching and Filing Clerk

- a. Average number of records required to be withdrawn and refiled per clerk per day..... 136*
- b. Total number of records to be handled..... 60,100**
- c. Number days for one clerk to withdraw and refile records..... 442
- d. Number working days per year..... 260
- e. Number of years for one clerk to handle 60,100 records..... 1.7
- f. Number of clerks required to handle 60,100 records in 3 years..... .6
- g. Allowances, absenteeism - 8% - additional clerks required......05
- h. Total clerks required..... .65
- i. Base pay for GS-2 clerk..... \$2,750.00
- j. Total cost for .65 clerk for 3 years..... \$5,362.50

*GS-2 Searching and Filing Clerk is required to withdraw 7 cases per hour and refile 25 to 29 records per hour. Using 27 records as the average number required to be refiled per hour, an average of 136 records would be required to be withdrawn and refiled per day.

**The total of 60,100 records is based on the 6,000 records for use of GS-5 (analyst) clerk and the 24,060 records for use of GS-4 (analyst) clerk. These records would have to be withdrawn and refiled; therefore, a total of 60,100 records would have to be handled by a GS-2 Searching and Filing Clerk.

EXHIBIT C

(1) It is estimated that \$7,500.00 would be expended for the following miscellaneous expenses:

- (a) Office supplies, forms, etc.
- (b) Postage, mail room clerk and message transmissions.

(2) War Department Plan for Casualty Administration Upon Re-occupation of the Philippines shows that there were 86,000 Philippine Army personnel in early 1942, and according to statistics furnished by Adjutant General Records Depository, approximately 285,000 recognized guerrillas who may consider themselves entitled to benefits. (In this connection, see Inclosure #2, Exhibit C.) At the minimum, a total of 300,000 Filipino personnel could be estimated as having been connected with the Philippine Army. It can be assumed that claims for approximately 10% of this number would be addressed and mis-routed to The Adjutant General's Office -- a total of 30,000 cases to receive attention. The cost to process 30,000 cases (on basis of 2.7 GS-3 clerks for 3 years) would amount to approximately \$24,895.00.

	TOTALS	
2.0	GS-5 Analyst	\$20,460.00
1.2	GS-3 Stenographer	\$10,620.00
54	GS-6 Reviewer	\$ 6,046.90
4.8	GS-4 Analyst	\$45,720.00
1.1	GS-5 Reviewer	\$11,253.00
65	GS-2 Searching & Filing Clerk	\$ 5,362.50
0	Miscellaneous expenses	\$ 7,500.00
2.7	Estimated 30,000 PA cases	\$24,895.00
<hr/>	GRAND TOTAL	\$131,857.40
11.99		

12
X3
36

DECLASSIFIED
Authority: NNO 883078

basis for computation of total number cases to be processed by GS-4 Analyst:

- a. 100 Philippine Scout cases screened show that 33 Discharge certificates need correction because of non-casualty status shown thereon and erroneous computation of longevity. Therefore, 4,950 Discharge Certificates would be erroneous.
- b. 30 of the above 33 Philippine Scouts reenlisted and therefore the subsequent discharge certificate would require correction regarding length of service. Hence, 4,500 discharge certificates would require correction.
- c. It is estimated that of the 6,000 Philippine Scouts in a non-casualty status, this office will receive 3000 VA cases regarding certification of service.
- d. It is estimated that 6,000 terminal leave requests would be received from Finance Center, U. S. Army.
- e. It is estimated approximately 5,600 miscellaneous requests would be received. This figure includes, an estimated 600 Social Security cases. The balance of 5000 cases is based on the probable receipt of numerous requests requiring negative replies and requests from individuals for additional information.

Level 1, Ed C

"MISSION OF THE UNITED STATES VETERANS ADMINISTRATION

MANILA REGIONAL OFFICE

SUBJECT: (a) Mission of the MRO, USVA:

SPEAKER: J. E. PALMER
Adjudication Officer

(b) How Organized to Handle
its Job

PLACE : Officer's Club
Adjutant General
Records Depository
PHILCOM

DATE : 16 February 1949

* * * * *

"16. According to best available estimates, it has been determined that there are approximately 330,000 individuals - Philippine Army and civilian guerrillas (exclusive of Philippine Scouts and Army of the United States personnel) who served with the Armed Forces of the United States whose service has been recognized and who survived World War II and are eligible to the foregoing benefits."

* * * * *

EXTRACT COPY

NOTE: War Department Plan for Casualty Administration Upon Reoccupation of the Philippines lists 86,000 as strength of Philippine Army in early 1942.

AGAO-CC 151
(16 Feb 52)

12 June 1952

Mr. Milton D. Kyle
Chairman
Philippines-Pacific War Veterans
National Headquarters
4715 Washburn Avenue, South
Minneapolis 10, Minnesota

Dear Mr. Kyle:

Your letter of 16 February 1952, addressed to the Chief of Finance, requesting information concerning the matter of payment of certain classes of Philippine Scouts, components of the United States Army, and certain classes of the Philippine Army inducted into the service of the United States who have not been paid following their release from Japanese prison camps, has been referred to me for reply.

These members of the Philippine Scouts and the Philippine Army were entitled to compensation during the period following their release from Japanese prison camps only if they were, during such period, determined to be "missing in action, interned in a neutral country, captured by the enemy, beleaguered or besieged," within the meaning of the Missing Persons Act (56 Stat 145), as amended (50 U.S.C. 1001, et seq). Under section 9 of the Act, the head of the department concerned is empowered to make these determinations of casualty status, and such determinations are conclusive.

The policy which eventually resulted in the denial of Scout claims was formulated by the War Department as part of its plan for casualty personnel in the Philippines. One phase of this overall policy provided that a person captured, but subsequently released, was not considered to be in a casualty status under the Missing Persons Act unless such person could show restraint, deprivation or hardship greater than that which was suffered by the other populace on the island. Under this criterion, after determinations made on an individual basis, the claims of the Scouts for pay during the period of parole were denied. The same policy was used in considering claims for pay during parole which were filed by members of the Philippine Army. The Missing Persons Act provides that the determination of the Department head is conclusive.

The re-determinations of the Army Personnel Board were made in

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AGAO-CC 151
(16 Feb 52)

12 June 1952

Mr. Milton D. Kyle

light of the Department of the Army's interpretation of the Missing Persons Act at that time after careful and thorough examination of the particular circumstances of each individual case considered, including new evidence adduced.

An investigation made early in 1951 has brought to light no additional evidence which demonstrates that the original Army decision - a decision made in an impartial atmosphere on the basis of all available evidence - should now be altered. The Department of State in a note to the Philippine Embassy, dated 28 June 1951, also adhered to this decision concerning the thousands of persons involved.

It is the conclusion of the Department of the Army that the administrative determinations previously made with respect to the Scouts represent a proper application of the Missing Persons Act of 1942 and there have been no subsequent developments which warrant re-evaluation of the Scout claims.

In the case of *Moreno v. U. S.*, which involved a Scout claim for pay during a period of parole (118 C.T.C.L. 30 (1951), 92F supp. 607), a grant of certiorari was denied (342 U.S. 814 (1951)), by the United States Supreme Court on 8 October 1951. Consequently, there appears to be no basis for considering claims of this nature at the present time.

Your interest in this matter is very much appreciated and I am sorry that I am unable to give you a more favorable report. I hope, however, that this information will be of assistance to you.

Sincerely yours,

(stamped) WILLIAM E. BERGIN

WM E. BERGIN
Major General, USA
The Adjutant General

COPIES FURNISHED: Chief of Finance
Chief, DPRB
Chief, Adm Svs Div, AGO

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The Secretary of State presents his compliments to His Excellency the Ambassador of the Philippines and has the honor to refer to the Ambassador's notes of: (1) November 24, 1950 requesting consideration by the United States of claims for arrears in pay, pensions and other benefits of the widows and orphans of servicemen of the Philippine Army who were killed by the Japanese for subversive acts and whose claims have been disapproved because of lack of satisfactory evidence that the deceased veterans was actively enrolled in a guerrilla force or actively participated in the anti-Japanese movement at the time of his death; and (2) December 27, 1950 requesting consideration by the United States of claims for arrears in pay and allowances of members of the Philippine Scouts and of the Philippine Army who were formally inducted into the United States Army Forces in the Far East during the last war.

The Secretary has the honor to state that, as His Excellency is aware, the subject claims were presented previously through non-diplomatic channels. Despite this fact the contents of the Ambassador's notes have been carefully considered by the appropriate authorities of the United States.

His Excellency's notes appear to call into question the validity of Staff Memorandum No. 14, Headquarters, AFWESPAC dated December 27, 1945, entitled "Interpretation of Missing Persons Act." The Secretary has the honor to state that the administrative determinations previously made with respect to the types of claims presented in His Excellency's notes under reference represent a proper application of the Missing Persons Act of 1942. Furthermore there have been no subsequent developments which would warrant a re-evaluation of the criteria on which the claims involved were considered and settled.

The Secretary has the honor to state that, in view of the fact that an extensive period of time was provided for the presentation of claims, and that these claims were given due consideration by the proper authorities of the Government of the United States, it is believed that it would be inappropriate to reopen the subject and it is therefore considered definitely closed.

Department of State
Washington, June 28, 1951

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