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Authority E.O. 13526

QUESTIONS by Service Officers -
Refer to Service Officers

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Authority *AWD 883078*

AGAR-R

COMBAT NO 24
Mr. Loria/4/77

or shortly thereafter. These promotions were considered in all subsequent promotions. Question arises whether any automatic one grade promotion received upon return to military control would be in addition to those previously granted for guerrilla service promotions? If answer to this question is in the affirmative, would it be necessary to adjust all subsequent promotions and grades at reenlistment, even though such subsequent service was rendered in the Army of the United States and not the Regular Army-Philippine Scouts? Would Master Policy 116 apply on grades for subsequent reenlistments or would Master Policy 424 be followed?

7. In the event an automatic one grade promotion for Philippine Scouts was approved, consideration should be given to the resultant effect on claims from persons having service in the Philippine Army who were also not accorded such promotion upon return to military control. It is estimated that over seventy five thousand (75,000) Philippine Army cases would be involved.

8. An estimate of the cost involved if all eligible Philippine Scout personnel were to be granted an automatic one grade promotion upon return to military control cannot be readily made. A screening of the files would be necessary to determine a breakdown of the pay grades involved. Also, another factor to be considered involves the length of time for which the returnee would be authorized to receive pay for the higher grade.

9. The attached files show that all previous requests from Amado Martelino, O14 881 and Santiago G. Guevara, O15 334, for confirmation of assimilated rank of Philippine Army as rank of Army of the United States and automatic POW promotions were unfavorably considered.

10. It is believed that comments to paragraphs 2b, 2c and 2d should be made by personnel in Officer and Enlisted Sections of Personnel Records Branch.

11. Recommend that no change be made in the procedure for processing Philippine Scout cases.

1 Incl
(n/c)
C. J. BARRY JR, Colonel, AGC
Commanding

4. One of the ramifications of an automatic one grade promotion for Philippine Scouts upon return to military control would be the determination of its effect on all categories of subsequent service. Under the existing program all promotions earned while serving in the guerrillas were processed upon return to military control.

Owe Grade Promotion - POW 3

EXTRA COPY

AGAR-R

TO: Chief, Admin Svc Div, TAGO FROM: CO, USARCVN

DATE:

COMMENT NO #2
Mr. Iorio/eg/775

1. The following comments and recommendation are offered regarding the automatic one grade POW promotions.

2. The basis for denying the automatic POW promotion of Santiago G. Guevara is covered by legal opinions of the Legal Officer, RPD and Judge Advocate United States Army Forces Western Pacific and are shown in the attached 201 file. (Tab A) The opinions express that subject individual would not receive the automatic one grade promotion accorded liberated military personnel since the policy to promote released prisoners of war, evaders and escapees did not in general pertain to Philippine personnel.

3. Supplement No. 2, Procedure for Processing, Return and Reassignment of Recovered Personnel (Short Title: POW) established the eligibility for one grade promotion of Project "J" personnel who were absent from military control 18 months or longer. Each officer below the grade of colonel, each warrant officer, junior grade, and each enlisted man below the first grade whose absence was under honorable conditions and who had not already received a one grade promotion since return to military control could be considered. The majority of Filipinos captured in the Philippines by the enemy were released from prisoner of war camps and allowed to return to their homes and families; whereas other U. S. Army personnel were held in confinement during the entire period of the Japanese occupation. Therefore, it was determined that the automatic one grade promotion could not equitably be authorized to Philippine Scout personnel. (Tab A)

4. In connection with processing of Philippine Scouts upon return to military control, such personnel were also excluded from the provisions of War Department circular 287, 1942 and War Department Circular 115, 1946 which authorized promotion to Staff Sergeants of Project "J" personnel who were serving as supply sergeants of a company or similar unit in a larger unit or assistant supply sergeant of a regiment or separate battalion at the time of the Philippine surrender. The basis for excluding Philippine Scout personnel from the provisions of these directives is believed to have originated along with the restraint policy under Section IV, paragraph 1e, WD Plan and Staff Memorandum No. 14. (Tab B)

5. Approval of a policy authorizing one grade promotions to former Philippine Scouts upon their return to military control would involve approximately twelve thousand (12,000) cases. This includes persons who were citizens of the Philippines and served as commissioned officers in the Regular Army-Philippine Scouts, Officers Reserve Corps, Army of the United States and also Philippine Scout enlisted men.

6. Some of the ramifications of an automatic one grade promotion for Philippine Scouts upon return to military control entails consideration of its effect on all periods of subsequent service. Under the Missing Persons Act, promotions received while serving in the guerrillas were accorded persons upon return to military control

Copy for Mr Evans

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AGAR-RC 201 Laura, Erdulfo F.
(15 Jan 58)

Mr. Ira Ehrlich
511 5th Avenue
New York, New York

Dear Mr. Ehrlich:

I am referring to your telephone conversation of 15 January 1958, with Mr. A. T. Iorio, Jr., this center, concerning the military service of Erdulfo F. Laura.

In amplification of our letter of 6 January 1958 which contained a statement of service as a member of the Philippine Army, the records available reveal a determination was made by the Department of Army under provisions of Missing Persons Act (Public Law 490-77th Congress) showing that Mr. Erdulfo F. Laura served as a corporal, Philippine Army, in a beleaguered status from 17 December 1941 to 6 May 1942, missing from 7 May 1942 to 15 May 1942, and prisoner of war from 16 May 1942 to 15 May 1943. For the period 16 May 1943 to 13 June 1945 he was in a no casualty status. There are no records indicating service prior or subsequent to these dates. As in the case of many other members of the Philippine Army, there exists no original enlistment or service record that may be referred to for verification of service data. This condition is the result of enemy action or the destruction of records to keep the information from falling into the enemies hands at the surrender in 1942.

There are no medical or clinical records available; however, subject alleges in a sworn statement that on 16 April 1942 he was confined to hospital because of malaria and surrendered on 15 May 1942 at the hospital.

Concerning eligibility of the veteran for benefits, you were advised to direct him to report to the Veterans Administration Office closest to his home, which agency would inform him of benefits to which he may be entitled.

In regard to service rendered by Erdulfo F. Laura, Public Law 301-79th Congress, approved 18 February 1946, as amended, which was also discussed, is quoted in part as follows:

AGAR-RC 201 Laura, Erdulfo F.
(15 Jan 58)
Mr. Ira Ehrlich

"That service in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, shall not be deemed to be or to have been service in the military or naval forces of the United States or any component thereof for the purposes of any law of the United States conferring rights, privileges, or benefits upon any person in the military or naval forces of the United States or any component thereof, except benefits under (1) the National Service Life Insurance Act of 1940, as amended, under contracts heretofore entered into, and (2) laws administered by the Veterans Administration providing for payment of compensation or dependency and indemnity compensation on account of service connected disability or death, and (3) the Missing Persons Act, approved March 7, 1942 (56 Stat. 143), as amended."

In this connection, you were advised to refer to the Immigration Service for a decision as to whether this service is creditable for immigration purposes since knowledge of this decision was not available in this office.

I am sending this information to you in letter form, as you suggested, rather than by telegraph.

I hope this will be of help to you in assisting your client.

Sincerely yours,

C. J. BARRY JR
Colonel, AGC
Commanding

FILE
Gaillard/ea/Corres Sec
RPR Br

SUBJECT: Delay in Reply to Correspondence in Case of Emigdio B. Bayle

The original correspondence from the Service Officer was dated 27 June 1957, and received in ARGENT 2 July 1957. On 1 July 1957 a test reorganization was placed into effect in this Branch. This entailed a new system of processing incoming correspondence. The new system, until it functioned long enough, caused a delay in the examiner making a final reply.

On 17 September 1957, a GS-5 claims examiner suggested a proposed reply to this correspondence; however, the review section determined that incorrect action had been taken, and the case was reassigned to a GS-6 claims examiner to complete. On 14 October 1957, the GS-6 claims examiner initiated a complete review of the case and recommended that the service of the veteran be redetermined to the VA. On 20 November 1957 the examiner submitted a draft of a proposed reply to Branch Hq., since policy and procedure was questioned by the Service Officer in their letter.

The proposed reply was not accepted by Branch Hq. and was returned to the examiner for correction. The case was again submitted to Hq. on 2 December 1957 for final approval.

AGAR-RC 201 Bayle, Emigdio B.
(27 Jun 57)

National Service Officer

AMVECS
Ministions Building, Room 2506
Washington 25, D. C.

Dear Sir:

I am referring to your letter of 27 June 1957, and subsequent correspondence, concerning the determination of status made in the case of Emigdio B. Bayle.

I have caused a thorough investigation of the claim for military service concerning Emigdio B. Bayle, now deceased. The findings reveal an administrative error concerning the report made 6 September 1949 to the United States Veterans Administration since an arbitrary beginning date of service of 17 December 1941 was used therein.

The unit of the Philippine Constabulary of which this veteran was a member was inducted into the service of the Armed Forces of the United States 20 April 1942 by W. H. Stephens, a United States Army Officer. This then must be the beginning date of service not 17 December 1941. Under the provisions of the Missing Persons Act the veteran was in a beleaguered status from 20 April 1942 to 5 May 1942, and in a missing status beginning 6 May 1942 to the date of death which occurred 11 March 1943. Following the surrender on 6 May 1942 all personnel unaccounted for were carried as "missing" or in some other appropriate status, such as prisoner of war or non-casualty status. Because it has been established by affidavits of co-soldiers that this veteran did, in fact, remain with his unit on and subsequent to 6 May 1942, participating in guerrilla activities against the Japanese, the missing status is appropriate and correct. It is not possible to report this veteran as a recognized guerrilla because his name was not found on the officially approved rosters of persons so recognized. Nor is it now possible to add his name to these rosters since the authority to make changes of this nature or any changes in these rosters no longer exists. Likewise, it was disclosed that the evidence is not such that service from 6 May 1942 to 11 March 1943 was performed under a commissioned officer who was himself recognized as a guerrilla officer.

Very Respectfully

See attached sheet

4 DEC 1957

AGAR-RC 201 Bayle, Emidio B.
(27 Jun 57)
National Service Officer

Concerning your question on the true meaning, significance and intent of the term "unrecognized guerrilla service," the only meaning which may be construed is that the veteran, in connection with an organized guerrilla unit in the Philippines, performed activities in the underground movement against the Japanese or performed acts of sabotage or espionage against the Japanese. However, these acts were not recognized by the Guerrilla Affairs Division, the competent authority responsible for making that decision. The significance of this term is to afford the person who so performed these acts entitlement to pay and further to record the distinction between those officially recognized as guerrillas, those not officially recognized as guerrillas, and those who remained at home performing non-military acts, such as farming for their livelihood.

In this veteran's case the basis of the determination of entitlement to pay from 20 April 1942 to 11 March 1943 may be correctly attributed to his wartime activities during that period. However, no evidence was presented to establish that this veteran was arrested by the Japanese, rather it was purported that he was killed in "mopping up operation" while on guard duty for his unit. Under these same circumstances if an actual arrest were to have taken place it could only be construed that the arrest would be for his "anti-Japanese activities." There have been instances wherein soldiers were arrested by the Japanese because of their former service performed before the date of surrender 6 May 1942; however, this has not been alleged in this claim, nor are there any indications of this being the case.

A copy of this reply has been furnished the United States Veterans Administration, together with a corrected report of the veteran's service.

Your interest in this matter is appreciated. I regret you were not advised at an earlier date of the unavoidable delay in replying to your letter.

Sincerely yours,

HERBERT M. JONES
Major General, USA
The Adjutant General

Memo For Record:

See attached sheet

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AGAR-RC 201 Bayle, Emigdio B.
(27 Jun 57)
National Service Officer

Memo For Record:

Exam of recs disclosed case was cert positive to VA based on insufficient evid using the arbitrary date of induction of Phil Constabulary Units into the Armed Forces of the U. S. This action was erroneous as an official record of induction, signed by a U. S. Army Officer, was located subsequent to the date the initial report was sent to the VA. Accordingly, a redet has been made and a recert of svc sent to the VA. Svc Officer rqstd in simple language the meaning of the terms used in the cert to VA. The terms used have been standard terminology since 1949. Non-technical explanation was included in reply. Delay was occasioned by transfer of case to a special examiner in view of the more complex items requiring verification. Interim reply was inadvertently not dispatched upon receipt of follow-up letter. Appropriate steps have been taken to preclude recurrence of any similar situation in not acknowledging correspondence and notifying writer of delay in reply.

0259

AMVETS

1 # 1/2
GR

NATIONAL SERVICE OFFICER



VETERANS ADMINISTRATION
MUNITIONS BUILDING, ROOM 2506
WASHINGTON 25, D. C.

June 21, 1957

Colonel David Arp
Commanding Officer
U. S. Army Records Center
9700 Page Boulevard
St. Louis 14, Missouri

Dear Colonel Arp:

RE: BAYLE, Emigdio B.
Army Serial No. - NR
Date of Entry - 17 Dec 41
Date of Discharge - 11 Mar 43
Character of Discharge - Death
Last Grade and Organization - CPL
1st Abra Co. PC (PA)
Date of death - 11 Mar 43
Place of last Discharge - Boliney,
Abra, Phil.
Home Address - Bangued, Abra

Here is one of those complicated Philippine veteran claims on which the Veterans Administration is very much confused, intentionally or unintentionally.

Of course, the Army did submit a re-certification of the deceased veteran's military service under date of September 6, 1949 in which it was determined that from 29 April 1942 to 11 March 1943 (date of death) he was entitled to pay by reason of: "Unrecognized anti-Japanese activities".

The ASD Report, referred to above, also stated that there was "no recognized Guerrilla Service".

Now this particular language and classification (Unrecognized anti-Japanese activities) is clear and understandable to Army Officers and personnel. However, its true meaning and significance and intent - - is not understood by the Veterans Administration Adjudicators who apply all sorts of connotations as to the proper interpretation.

Therefore, would you, in the light of the records in this case, elaborate and clarify in simple English language - - the real meaning of:

"From 29 April 42 to 11 March 43 - - Unrecognized anti-Japanese activities".

And, in addition, please answer these following questions:

- (1) Did the Army recognize or become aware of the deceased veteran's:
 - a. Underground anti-Japanese activities?
 - b. Date of activities?

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Authority AWD 88307P

Colonel David Arp

-2-

June 27, 1957

- c. Guerrilla activities?
- d. Espionage activities?

(2) What was the basis of determination of entitlement to Pay from 20 April 42 to 11 March 43? (We do not mean reference to any Army Staff Memo - - or Regulation or Law). For example, was the basis of entitlement to Pay attributable to above wartime activities?

(3) Was this veteran's arrest by the Japanese (and subsequent death) brought about by reason of anti-Japanese activities, or his former service in the Armed Forces of the United States?

We shall appreciate as detailed a reply and explanation to the information sought in order that there can be no question of confusion or double meaning in the minds of the Veterans Administration Adjudicators.

Sincerely,

Francis J. Henry
Francis J. Henry
National Service Officer

FJH:bbs

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Authority AGL 1130 TP

QUESTIONS BY SENIOR OFFICERS -
Pp/111 to 111111 OFFICIAL

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