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POLICIES AND PROCEDURES

MOBILE PERSONNEL AND SETTLEMENT UNIT

I. General Provisions.--The "Missing Persons Act" (Public Law 490 of 7 March 1942, as amended) provides that personnel of the Navy, including civilian employees, officially determined to be absent in the status of missing, missing in action, interned in a neutral country, captured by an enemy or beleaguered or besieged will be entitled to receive or to have credited to their accounts the same pay and allowances to which they were entitled at the beginning of such period of absence or may become entitled thereafter.

II. Civilian Employees Covered by the Act.--Section 1 (a)(3) of the "Missing Persons Act", as amended, contains a definition of civilian employees affected, as follows:

"Civilian officers and employees of departments during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis."

A. The department has established the policy that United States citizen and native and non-citizen employees of Naval establishments in Guam (including the Naval Government of Guam), and the Philippine Islands, at the time those areas were attacked in December 1941, come within the purview of the "Missing Persons Act" in the absence of affirmative evidence that the employees

1. were employed on a part-time or intermittent basis, or casually hired, or
2. were on unauthorized absence, or
3. willingly assisted and collaborated with the enemy.

B. In determining those who come within the purview of the Act, the following records will be used:

1. Personnel records of the Navy Department.
2. Latest civilian pay rolls available of Naval Establishments in the Philippines and Guam.
3. Affidavits of employees, dependents, supervisors, or others.
4. Pertinent records found to exist on-the-spot.

C. The term "employee" when hereinafter used shall refer to those persons determined by the Officer in Charge, Civilian Personnel Determination Section, to come within the purview of the Missing Persons Act.

III. Rights of Employees.--All employees are entitled to dual rights (A) under the "Missing Persons Act", and (B) by virtue

of their status as employees of the Navy Department. Such rights are set forth in the succeeding subparagraphs.

A. Under "Missing Persons Acts"

1. Salary or Wages.--To receive or have credited to their accounts the same pay and allowances to which they were entitled at the beginning of absence or became entitled to thereafter. Computations of salaries and wages will be based on the rates shown on the last civilian payrolls available and on the basis of 48 hours' service per week.

2. Allotments.--To have allotments, including those for dependents and insurance, initiated, continued, discontinued, increased, decreased, suspended or resumed.

B. By virtue of Status as Employees of the Navy Department.

1. Leave:

a. Annual:--During absence, per annum employees accrue annual leave at the rate of 26 days per calendar year and per diem employees at the rate of 30 days per calendar year. The total maximum accumulations shall be:

(1) U.S. Citizen per annum	* - 104 days
(2) U.S. Citizen per diem	* - 120 days
(3) All other employees	- 90 days

*Whose homes are in the United States.

b. Sick:--Employees are entitled to accrue sick leave at the rate of 15 days per calendar year and may accrue a maximum of 90 days.

c. Unused Annual or Sick Leave at Beginning of Absence:--Within the maximum accumulation limit, and subject to the discretion of the Officer in Charge, statements may be obtained and employees may be credited with and paid for the unused annual and sick leave to their credit at the beginning of absence.

2. Retirement Coverage:--All American citizens and alien employees (per diem and per annum) were covered by retirement as of the date they entered into the classified civil service, either by probational appointment or otherwise. All other employees, i.e., those employees serving in excepted status and temporary positions, were covered by retirement on 24 January 1942 in accordance with the amended retirement act. Retirement deductions shall be made at the rate of 3 $\frac{1}{2}$ % to 30 June 1942 and 5% thereafter. Under the provisions of an agreement with the Retirement Division, Civil Service Commission, the following shall be the course of action in administering retirement:

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a. Employees covered by the Retirement Act prior to 24 January 1942:- In all such cases appropriate retirement deductions shall be made and these deductions shall remain in the fund, and such accounts handled in the usual manner.

b. Employees covered initially by the Retirement Act on 24 January 1942:

(1) Deceased Employees @ At the time of settlement retirement deductions shall be ignored and the employee's next of kin, dependents, or legal representatives shall receive the gross salary payment.

(2) Surviving employees-

(a) Those who are reemployed or contemplate reemployment:- Depending on whether or not Naval establishments have been reactivated at the time of settlement of accounts under the Missing Persons Act, the account of an employee who either is reemployed, or declares he wishes to be reemployed at the earliest opportunity, shall be subject to retirement deductions (Beginning 24 January 1942) and the employee shall be advised of his rights under the Civil Service Retirement Act, as amended 24 January 1942. If reemployed such employees shall be considered as having been in a L W O P status.

(b) Those who are not reemployed or who do not contemplate reemployment:- Depending on whether or not Naval Establishments have been reactivated at the time of settlement of accounts under the Missing Persons Act, the account of an employee, having less than five years of creditable service who is not reemployed, or declares he does not wish reemployment, shall not be subject to retirement deductions and the employee shall be paid the gross amount of his salary and shall be separated. An employee having five years or more of creditable service will be subject to retirement deductions and advice furnished him regarding his future annuity rights.

(c) Employees retired for disability:- The accounts of such employee shall be subject to retirement deductions.

(d) Employees whose disability cases are pending with the United States Employees' Compensation Commission:- In such cases retirement deductions shall be taken at time of settlement and the employee shall be carried on the rolls while his case is pending with the Employees' Compensation Commission. In the event the Compensation Commission does not honor the claim, the handling of retirement deductions shall be governed by subparagraph (a) of (b) above.

3. U.S. Employees' Compensation Commission Coverage:- Native, non-citizen and citizen employees, or the dependents of deceased employees, are eligible to file claim for disability compensation or death benefits, respectively under the laws administered by the United States Employees' Compensation Commission.

4. Reemployment:- It will be the policy of the Department, wherever and whenever practicable, to reemploy surviving employees, and for this purpose close cooperation will be maintained between the Settlement Unit and reactivated naval and military establishments in the areas.

5. Transportation of U.S. Citizen Employees and Members of Their Immediate Families to the United States:-U.S. Citizen employees and their immediate families who desire to return to the United States shall be entitled to transportation to the United States at the expense of the Government. The Settlement Unit will assist in making arrangements for such transportation in the absence of an organization in the area directly charged with that responsibility. The employee shall be in a duty status from date of embarkation to date of debarkation and payment for such period will be made by a disbursing officer designated by the Chief of Field Branch, Bureau of Supplies and Accounts. The employee will be considered in a leave without pay status from the date of termination of absence until embarkation, and upon debarkation he will be carried again in a leave without pay status for one year where necessary if he desires eventual reinstatement.

IV. Duties and Authority of the Mobile Pay Accounts Settlement Unit.--

A. Administrative Duties:-The following instructions pertain to the general duties and authority to be exercised by the Officer in Charge, and are intended as a guide to expeditious and equitable settlements. Specific provisions have not been included for the unusual or abnormal cases, but the majority of cases will be settled on-the-spot. The Officer in Charge, Civilian Personnel Determination Section, shall be responsible for administration of the Missing Persons Act as it applies to civilian employees in the Philippines and Guam. It shall be his duty to (1) identify surviving employees, (2) make findings of death or approve reports of death, as appropriate; (3) determine both the fact and period of entitlement to salaries or wages; (4) determine amount of accrued annual and sick leave, and grant leave; (5) determine rates of salaries and wages; (6) certify pertinent facts to the Officer-in-charge of the Settlement Unit for purpose of settlement of accounts; (7) approve allotments of pay to dependents of those employees who have not been located or are still in enemy hands, or whose status has not been finally determined; (8) refer disabled employees to representative of U.S. Employees' Compensation Commission in order that claims for disability compensation may be filed; (9) assist employees in making applications for retirement; (10) assist employees in securing further employment with Naval activities; (11) and assist United States citizens and their dependents in securing transportation to the United States. In the execution of these duties the following instructions shall govern:

1. Identification.--The identification of employees

shall be established. As incident to identification, each employee or applicant should be required to furnish information sufficient to establish name, badge or identification number, rate of pay, title (or grade) of position, place of employment (shop, division, office), date of commencement of employment, period for which last paid salary or wages and amount of accrued annual and sick leave. In addition, all employees will be fingerprinted and photographed if practicable and such records retained in files. Information may also be obtained from collateral sources to establish the identities of both surviving and deceased employees. The identification and relationship of dependents or next of kin of deceased employees may be further substantiated by birth, death or marriage certificates, official documents or by affidavits of disinterested persons. A legal representative will be required to furnish official evidence of his appointment. A statement, in quadruplicate, setting forth essential information to be used by the settlement unit, shall be prepared for each employee. A surviving employee, or the dependent, next of kin or legal representative of a deceased employee will be required to sign the statement.

2. Determination of Entitlement.--Unless substantial evidence is presented which indicates an employee was on unauthorized absence or that he collaborated with the enemy, he shall be considered as entitled to the provisions of the Act. The mere fact that an employee was forced to work for the enemy shall not of itself constitute him a collaborationist. Only those employees who willingly assisted the enemy in either a civilian or military capacity shall be considered to have repudiated their loyalty to the United States and abandoned their positions and are therefore not within the purview of the act.

3. Determination of Period of Absence or Entitlement.--The commencement of the period of absence or beginning of entitlement under the "Missing Persons Act" shall be 9 December 1941 for employees of Guam and 26 December 1941 for employees of the Philippines, unless other evidence is found. The termination of the period of absence shall be coincident with that date declared by the responsible military commander to be the date on which organized enemy resistance ceased in the respective areas and shall be known as the "Standard settlement date." If resistance has ceased within a province, or substantial area of an island, the date of cessation of hostilities within such province or area may be taken as the date of termination of period of absence for employees in that area, but such date shall not be imposed upon employees in other areas. Exceptions to the above date of termination of absence shall be made only in the discretion of the Officer-in-Charge, Civilian Personnel Determination Section, and, when such exceptions are made, the basis for the exception must be indicated in the record.

a. Computation and Granting of Leave.--Annual and sick leave shall be computed according to the provisions of Article III(B)(1) hereof. Where employees were or are inca-

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facilitated for performing their duties immediately subsequent to the standard settlement date, they will be entitled to accrued sick leave retroactively if approved by the Officer-in-Charge, Civilian Personnel Determination Section.

b. Separation from the service and effective dates thereof:-

(1) When date of termination of absence is prior to 21 December 1944 (as in case of Guam employees), effective date of separation shall be set to include annual leave or annual leave plus sick leave, where approved.

(2) When date of termination of absence of survivors is on or after 21 December 1944 (as in case of Philippine employees), the effective date of separation for employees not re-employed or who do not contemplate reemployment, shall be coincident with date of termination of absence. In accordance with Public Law 525, approved 21 December 1944, accounts of employees who are so separated shall be subject to lump-sum payment of terminal leave. This lump-sum payment shall not be regarded as salary and shall not be subject to retirement deductions. In the cases of employees in this category who are granted sick leave, the effective date of separation shall be the day following the last day in a sick leave status and such employees shall be given a lump-sum payment for annual leave. Survivors requesting reemployment will not be separated.

(3) In the cases of employees found or declared to be deceased on or after 21 December 1944, in accordance with Public Law 525, compensation for all of his accumulated and current accrued annual leave in a lump sum shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries, if any, designated by the employee under the Retirement Act;

Second, if there be no such designated beneficiary to the state of such deceased employee.

c. Declaration of Death and Death Determination:- Declarations of death shall be issued in cases where satisfactory evidence of death is reported and entitlement to pay an allowance shall terminate upon the date the department receives such report of death. Although entitlements extend to the standard settlement date, the date of declared death shall be the date death occurred if evidence warrants. Where an employee is unaccounted for six months after the standard settlement date, a presumptive finding of death shall be issued by the Officer in charge. The date for such presumptive findings of death shall be the same as that declared to be the standard settlement date for the area. No declaration of death or presumptive finding of death shall be issued by the Officer in Charge, Civilian Personnel Determination Section, in those cases involving U.S. Citizens employees whose dependents, next of kin or legal

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representative resides in the United States or place other than Guam or the Philippine Islands. His responsibility in such cases is fact finding and all evidence shall be transmitted to the Director of Shore Establishments and Civilian Personnel.

4. Accomodation Service.--

a. Reemployment Surviving employees who are considered reemployable shall, whenever practicable, be offered reemployment. If such employees do not wish reemployment, they shall be declared as involuntary separations and so noted on the record. The names of those desiring reemployment shall be forwarded to reactivated activities where in operation; otherwise such names shall be available to those who will be responsible for reactivating the activities.

(1) Transfer of Form 2806:-As Retirement Record Cards (Civil Service Commission Form 2806) have been reconstructed under authority of the Missing Persons Act, and in accordance with instructions issued by the Civil Service Commission, employing activities shall be advised to request such records from the Field Branch, Bureau of Supplies and Accounts (Special Payments Divisions).

b. Retirement: All employees who appear to be eligible for either disability or voluntary retirement shall be advised of their rights and assisted in the preparation of applications.

c. Disability Compensation:- Employees who appear disabled and who are not eligible for retirement shall be referred to a representative of the U.S. Employees' Compensation Commission accompanying the Unit who will handle such cases for that Commission. The Officer in Charge, Civilian Personnel Determination Section, shall assist such employees in the preparation of necessary forms and shall sign such forms as official superior.

d. Death Benefits:- The widow, dependent widower, dependent children, dependent parents, or wholly dependent brother, sister, grandparent or grandchildren of a deceased employee may be entitled to death compensation if so determined by the representative of the U.S. Employees' Compensation Commission. Accordingly, the dependents, heirs, or next of kin shall be advised of their right to submit claim for such benefits and referred to the representative of that agency.

V. Reports.-- The Officer in Charge shall forward one copy of settlement in each case to the Director, S.E.C.P.

VI. Changes in policies or procedures.--Whenever substantial departures from the above policies and procedures are necessary the Officer in Charge will promptly advised the Director, S.E.C.P.

VII . Accounts of Deceased Employees.-- Pending the passage of legislation which will give the Department authority to settle and pay the accounts of deceased employees who come under the purview of the Act, the Officer-in-Charge will take no action on accounts of deceased employees except to accept claims and gather such facts as are necessary for their eventual settlement. As soon as the Department has authority for settling such accounts or as soon as it is determined that the authority for settling such accounts is a function of the General Accounting Office, the Officer-in-Charge will be advised of the procedure to follow.

CERTIFIED TRUE COPY:

RUTH H. ESSARY
Captain WAC

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MOBILE PERSONNEL AND SETTLEMENT UNIT - U. S. NAVY DEPT
SETTLEMENT STATEMENT

A. EMPLOYEE ACCOUNT

1. Name _____ 4. Badge, Pay or Ident. No. _____
2. Position _____ 5. Rate of Pay _____
3. Station _____ Shop Div. _____
or Off, _____

B. APPLICANT'S STATEMENT _____ Employee _____ Legal Repr.

- Next of Kin, Specify _____ Other _____
7. Date of Capture of station _____
8. Date of first U.S. Government employment _____
9. Last pay covered period of _____
10. Including period under Missing Persons Act, employee has, (has not) had 5 years of U.S. Government Service.
11. Prior to absence _____ days of annual leave and _____ days sick leave accumulated.
12. Pursuits of employee since Japanese occupation _____
13. I certify that I am _____ that to the best of my knowledge and belief the foregoing facts are correct and true; that I am aware of the maximum fine of \$2000, or one year imprisonment, for false claim in connection herewith, and that I am entitled to subject arrears of pay as _____

(employee) (legal repr.) (next of kin) (other)

_____ Date _____
Witness
_____ Signature
Witness

C. REPORTED DECEASED

14. Date report received _____ Date of death as reported _____
15. By whom and how reported _____
16. Cause of Death _____
17. Place of reported death _____

D. PRESUMPTIVE FINDING OF DEATH

18. Declared date of death _____ 19. Date finding of death was made _____
20. Basis for making finding of death _____

CIVILIAN EMPLOYEE
Determinations Under the MPA



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CIVILIAN EMPLOYEE DETERMINATION
UNDER THE MISSING PERSONS ACT

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SECTION I

HGW IDENTIFIED AND DETERMINED AS CIVILIAN EMPLOYEES OF THE WAR DEPARTMENT

1. Procedure in Civilian Adjudication Section

1. Once a claim is received by the adjudicator the case is reviewed to determine the following information, its availability and whether payroll data is available to establish or partially establish employment:

- a. WD employment and position
- b. Date of beginning of employment
- c. Date of cessation of employment and reason
- d. Rate of pay
- e. Date last paid
- f. Continuity of employment
- g. Guerilla activities
- h. Employment by Japanese agency

2. In practically all cases War Department employment is verified by office payroll records or documents in possession of this headquarters. Occasionally verification is obtained from supervisors or other superiors who have personal knowledge of employment and who are solicited to make affidavits as to beginning, duration, nature of employment and rates of pays.

3. In the absence of official information to the contrary, as a rule, claimant's statement is accepted as to date of beginning of employment. Occasionally payroll records assist.

4. To determine date of cessation of employment, as a rule, claimant's statement is accepted. Affidavits, or the findings of a field investigation may be used to determine date of cessation of employment and whether employee worked until enemy action precluded

Section I-How Identified and Determined as Civilian Employees of
the War Department (Cont'd).

continuance. When any doubt exists on any matter considered factual in rendering a determination, affidavits of superiors are considered fairly conclusive.

5. Payroll records may be helpful in determining dates of cessation of employment. However, they are usually incomplete and rarely show the last period worked before cessation of duty.

B. Civilian Adjudication Check List

1. The following check list is used on civilian cases;

- a. Position title: Use the position or job for which the employee was last paid prior to coming under MPA. Do not use local terminology or dialects.
- b. Place, location, department: Use the place, location or department of employment where employee was assigned when last paid. All civilian determinations will clearly show the subjects place of employment. Instead of Corregidor, Ft. Mills, Corregidor will be used; instead of Manila, Ft. Wm McKinley, Nichols Field, Port Area, etc., will be used.
- c. Grade: Use grade held when last paid for CAF or other graded employees. Use "ungraded" for Filipino personnel.
- d. Salary: Use rate when last paid. Make arithmetic check in all cases of other than fixed rate. Be sure to include or exclude quarters and rations as appropriate. Check payroll copies to insure correctness.
- e. Period of entitlement: Begin date after last payment in full. Terminate on date work ceased, date released from POW status or last date of proven illness or absence. Do not allow more than two (2) months for illness without proof.
- f. Date last paid: Use date shown on payroll or date stated in affidavit, whichever is later date. Always check payroll. In deceased cases determine whether or not check payments were made before or after death and show date last paid accordingly.

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

- g. Partial payments: Check payroll and be sure to indicate all partial payments.
- h. Overtime: Allow only when evidence is specific as to entitlement and then compute and enter actual amount due.
- i. Date of death: Check all evidence in case carefully and evaluate so as to reconcile discrepancies. Be able to conclusively substantiate.
- j. Consultation: Whenever doubt exists whatsoever relative the correct entry to be made, consult and obtain a decision from Section Chief.

C. Active Service and Local or Intermittent Labor

1. Determination of status of "active service" in cases of residents of the Philippines.

- a. The term "active service" contemplates an indefinite and continuing employment which would extend beyond the accomplishment of a single task such as building a warehouse, guarding a stock of supplies which are being moved, or demolition of certain bridges. In other words, it contemplates that the employee has become a part of the normal and continuing civilian personnel complement of the installation. (Letter WDDDB 1 May 45). Such service, * * * is a question of fact and not of citizenship, residence or domicile prior to or during employment, or of prior employment in the United States or being sent therefrom. (Policy Memo WDDDB 27 Jan 45).
- b. Residents of the Philippines who, prior to the outbreak of the war or during hostilities, were hired for analogous purposes, without contemplation of continuance as employees beyond the accomplishment of the task which warranted their employment, are not in general, by reason of such employment, regarded as having become civilian employees of the War Department within the meaning of the Missing Persons Act. Their status is that of native (local) labor casually hired. (Letter WDDDB 1 May 45).

2. With the approval of the WD Dependency Board, this office has adopted the following practical test of indefiniteness and continuity of employment to bring it within the Missing Persons Act:

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

a. Employees hired for an "indefinite" period prior to 7 December 1941 and who remained on duty until enemy action precluded the continuance of their duties, will be continued in service under the Missing Persons Act.

b. Employees hired after 7 December 1941 will not be continued in service under the Missing Persons Act unless:

(1) They remained on such employment for a period of at least thirty (30) days, and

(2) They continued on such employment after the expiration of the thirty (30) day period until enemy action terminated their employment.

D. Negative and Non-Project "J" Cases.

1. Negative Adjudication

a. When from a consideration of all the facts the adjudicator concludes that they are insufficient to entitle the person to the benefits of the Missing Persons Act, he enters a negative determination.

b. Negative determinations are made in cases where the facts allow the application of one or more of the following rules:

(1) Records indicate that employee was intermittent or local labor casually hired and not entitled to the benefits of the Missing Persons Act. Ordinarily an employee who has not worked continuously for thirty (30) days before termination of employment will be considered intermittent or local labor casually hired. For example, work on a project was terminated shows that man worked only 16 days in November. It may therefore be concluded that subject was an intermittent or casually hired employee, NOT under the Act.

(2) Records indicate that employee did not remain on duty status until enemy action precluded the continuance of such duties and is not entitled to benefits of the Missing Persons Act. Discharge of employees because of abandonment of a project due to change of tactical situation should not be considered as employment terminated due to enemy

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

action. It must further appear that the employee remained on the duty until the job was halted by enemy action.

- (3) Evidence available to this office is insufficient to identify subject as an employee of the War Department therefore it is impossible to certify subject for benefits under the Missing Persons Act and subject's claim has been unfavorably considered for this reason.

2. Non-Project "J"

- a. As applied to this office, it refers to persons who are not WD civilian employees, with or without any connection with the War Department. Examples are:

- (1) Those employed by Post Exchanges

- (2) Those employed by various military units and paid from unit funds, such as kitchen workers, shoe shiners or employees of officers messes.

- (3) Employees of the Philippine Army.

3. Reason for Negative Determination

- a. The following may be used as a reason for negative determination:

"Not in active employment at or subsequent to the outbreak of hostilities".

4. Active employment includes recognized leave, sick or annual, with or without pay. In the absence of OSSA information proving leave status, other acceptable proof must be produced. Claimants statement in itself is not sufficient.

SECTION II

STATUS UNDER THE MISSING PERSONS ACT

DETERMINING PERIODS OF ENTITLEMENT AND NON-
ENTITLEMENT TO ARREARS IN PAY

A. Interpretation of Missing Persons Act, Staff Memo #114

1. Check sheet - from: D C and C/S To: Rec Pers Div

a. As a result of the conference held in my office, attended by the AG, the A C/S, G-3, representatives of the PA Section, G-3, the Recovered Personnel Division, AG, and Plans Division, the following policy is furnished for your information and guidance:

(1) Under the policy of this Headquarters, determination of casualty status and entitlement to pay under the Missing Persons Act will be as follows:

(a) A person missing in action (whereabouts unknown) or captured and imprisoned or interned by the enemy until his recovery by United States forces, will be determined to be in a casualty status with entitlement to pay for such period.

(b) A person who evaded capture, or fled to the hills, or actively joined guerrillas, or actively participated in the anti-Japanese movement, or remained in hiding to avoid capture, until his return to military control, will be determined to be in a casualty status with entitlement to pay for such period.

(c) A person who evaded capture, but returned to his home and continued a normal mode of living, will be determined not to be in a casualty status and not entitled to pay from the date of his release until the date he actively joined guerillas or actively participated in the anti-Japanese movement, or returned to military control.

(d) A person who was captured and imprisoned or interned by the enemy, but was thereafter released will be determined not in a casualty status and not entitled to pay from

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the date of his release until the date he actively joined a guerrilla force, or actively participated in the anti-Japanese movement, or returned to military control.

(e) A person whose active service in or for the military forces of the United States was terminated as a result of the enemy occupation and who was permitted to return to his home and pursue a normal mode of living, will be determined not in a casualty status and not entitled to pay after the date of termination of such active service.

(f) A person falling with the provision of c, d, or e, above, who can prove that material restraint was imposed on him or that he suffered "serious deprivation", to an extent greater than the restrictions, inconveniences, and lowered standards of living generally suffered by other residents incident to the Japanese occupation, as a direct result of his former official status under the United States, will be determined in a casualty status with entitlement to pay for the period such condition existed. The burden of proof rests with the claimant.

(g) Attention is also directed to par IV 1 (e) of the War Department Plan for Casualty Administration Upon Reoccupation of the Philippines.

B. Allowances for Sickness.

1. Following will be used as a policy to determine cases where sickness is claimed as a result of action in the field, or from recognized established internments or concentrations:

- a. The place sickness was contracted is an important factor in determining a claim of sickness. Civilian employees of the War Department who worked on Bataan and Corregidor or who were interned at Camp O'Donnell, will have a service connected claim. Persons who claim sickness, but were employed at a different location, such as Port Area, Manila or Fort Stotsenburg, cannot be assumed to have a service connected sickness. In such cases supporting evidence of claim will be required.

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b. In cases where subject claims sickness for any period during the occupation, he will be required to present acceptable evidence to support claim of sickness as follows:

- (1) Doctor's certificate or affidavits from two
- (2) responsible persons (Parish priest, mayor of town, barrio leader, etc).

c. In cases where subject has been imprisoned at Camp O'Donnell, Capas, Tarlac, and was released on account of sickness, or escaped, and claimed sickness but does not state how long sickness last, a period of sixty (60) days will be assumed to have been sufficient for purpose of recuperation.

d. In cases where subject was interned in camps other than O'Donnell, the type of sickness must be ascertained before recuperation period can be determined.

e. Six (6) months maximum allowance is authorized for recuperation from an alleged sickness incurred during War Department employment when claimant has submitted medical certificate or other satisfactory evidence, wherein exact period of sickness is not proven.

C. Guerrilla service.

1. All affidavits will be searched for statements regarding guerrilla activity. All claiming guerrilla activity should be checked against recognized guerrilla rosters to verify guerrilla status determination before being approved for payroll as War Department civilian employee. However, employee may be carried as a civilian up to date guerrilla status is recognized.

2. A War Department civilian employee actually in a casualty status, who joined a recognized guerrilla unit may be continued in a civilian employee casualty status during such active guerrilla service. However, a civilian employee who is not in a casualty status by reason of his having returned to his home and having suffered no hardship or serious deprivation due to his former status as a civilian employee, does not revive or establish a civilian employee casualty status by joining the guerrillas. His rights, if any, are to Philippine Army status and as such shall be processed by Adjudication Branch.

Section II (Cont'd)

Philippine Army Section and paid by Philippine Army. (Checknote #2 dated 4 Jan 46 from Director RPD).

3. Uncredited guerrilla service by the PA Branch, RPD, is only favorably considered by Project "J" Branch as an extension of casualty period when there is no break in service from date of the individuals last day of work with the War Department or upon recovery from sickness incurred as a result of his former War Department official status.

D. Japanese Employment

1. The day a War Department employee enters employment with a Japanese agency his missing status is terminated. A Japanese agency is defined as the Japanese sponsored Bureau of Constabulary, Municipal, Provincial or Republic office, or any private concern, utility or agency whose employees are paid by the Puppet Government or from Japanese funds. The only exception to this is forced employment.

2. The fact that a claimant did or did not work for a firm listed by AFWESPAC (16 Dec 45) as being under Japanese control, is immaterial so far as adjudication is concerned, except to prove that the claimant is not entitled to pay. The CIC findings will be used to establish loyalty status.

E. Allowance to Return Home

1. If individual in processing papers states it took two (2) weeks to arrive home after escaping from Death March or release from prison camp, such period is authorized. If no indication of time is shown, individual will be considered to have arrived home same day escaped or released from prison camp.

F. Continuation of Employment up to time of Preclusion by Enemy Action.

1. Where employee worked in Bataan or Corregidor and OSSA pay data shows him employed there after 1 January 1942 carry him through if he was taken prisoner of war.

2. If not taken prisoner of war OSSA must show him paid at least to 28 February 1942.

3. The most difficult problem to determine is the employee that states because of bombing he was unable to get transportation to work, or the employee on Corregidor who returned to Manila in December to see his family and states he could not get transportation back.

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Section II (Cont'd)

Each of these cases will have to be decided on its merit. An old time employee will be given greater consideration than one who has worked a short time prior to the war. For the period up to 20 December 1941 the presumption is that the employee could get transportation back to place of employment. After that date, in case of old time employees, if reason given is plausible, the presumption will be in his favor. However, it must be remembered that there was considerable confusion and bombing after the outbreak of hostilities and that the majority of employees were given permission to evacuate their families and there actually was not always transportation back to place of employment. There should be a tendency toward a liberal attitude, especially when employee resides a considerable distance from place of employment.

4. Civilian employees, regardless of lengthy service (15, 20 or more years) will not be entitled to benefits for the full period under the Missing Persons Act if they were in any way gainfully employed during said period. The "restraint" policy will be applied in all such cases.

5. Continuity of employment will be determined by payroll records where possible. In the absence of these effort will be made to analyze the employment situation where employed to determine if employee was part of permanent or continuing personnel. The presumption is in claimants favor that employment was regular.

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SECTION III

DEATH OF CIVILIAN EMPLOYEE

A. Establishment of Death

1. There are three means by which death is established for the purposes of the Act. They are:

- a. Report of death
- b. Determination of death
- c. Finding of death

B. Report of Death

1. Report of death consists of information "deemed to establish conclusively death of person" and is normally an official report rendered through military or international channels.

- a. Where death is established by a report of death, the benefits under the Act normally terminate on the date "such evidence *** is evaluated and found sufficient to establish the fact and time of death by the official having delegated authority to make such determination". (Par 7a (1) and 6a (2) Policy letter, WD Dep Bd, 27 Jan 45). However, in the case where next of kin were furnished notification of death by local officials, under the opinion of the JAG, the C-in-C may use "the date of receipt by next of kin from local officials of notification of death" if it is earlier than the date of receipt of the reports by C-in-C, as to the date on which benefits cease to accrue under the Act.

C. Determination of death

1. A determination of death is made upon a person absent in a casualty status when an official report of death is lacking but "when information and circumstances are deemed reasonably conclusive evidence of death and lead to no other logical conclusion". It may be made at any time when warranted by evidence.

- a. As in the case of report of death, the benefits under the Act ordinarily cease to accrue, where a determination of death is made on the date the official authorized to make the determination evaluates the evidence and makes his finding. However, where the next of kin had notice or knowledge of the death of the civilian

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BASIC: Ltr fr DA, Office of TAG, RAC, St. Louis 20, Mo., AGRS-CE 201
(8 Aug 50), subj: "Policies Governing Civilian Employee Determinations", 8 Aug 50.

AGRD-JV

1st Ind

BAW/RE/ats

HEADQUARTERS, 8133D SERVICE UNIT, ADJUTANT GENERAL RECORDS DEPOSITORY,
APO 928,

12 SEP 1950

TO: Chief, Civilian Personnel Records Branch
Records Administration Center, AGO
Bldg., 104, St. Louis 20, Missouri
(ATTN: Casualty Unit)

1. In compliance with request contained in par 1 of basic, various command interpretations and policies are inclosed. [These policies and interpretations have devolved from problems and circumstances that have arisen from time to time. All of them are not intended to be considered "hard and fast" rules, but are intended more as a guide, in order that a fair and equitable decision can be rendered on cases covered by the Missing Persons Act. Various circumstances or known facts which may not be shown or apparent in the case, are taken into consideration and this office attempts to judge each case on its individual merits under general policies and interpretations of the Missing Persons Act and the plan for Casualty Administration upon Reoccupation of the Philippines.

2. Further inquiry on policy matters may be directed to this headquarters.

FOR THE COMMANDING OFFICER:

BURL A. WOOD
WOJG USA
Adjutant

1 Incl:
Set of policies governing Civ employee determinations, in dup.

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Authority NND883078

file
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110-226

Chief, Civilian Personnel Branch
Records Administration Unit, 400
Highway, U.S. Post Office Building
(Room 3000)

1. The enclosed report contains information regarding the activities of the Civilian Personnel Branch, including the names and positions of personnel who have been assigned to various positions in the branch. This information is being provided to you for your information and is not to be disseminated outside of your agency. The information is being provided to you as a courtesy and is not intended to be used for any other purpose. The information is being provided to you as a courtesy and is not intended to be used for any other purpose.

2. The information contained in this report is for your information only and is not to be disseminated outside of your agency.

TOP SECRET CIVILIAN PERSONNEL



110-226

1. The enclosed report contains information regarding the activities of the Civilian Personnel Branch, including the names and positions of personnel who have been assigned to various positions in the branch. This information is being provided to you for your information and is not to be disseminated outside of your agency. The information is being provided to you as a courtesy and is not intended to be used for any other purpose.



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DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
RECORDS ADMINISTRATION CENTER
ST. LOUIS 20, MISSOURI

IN REPLY
REFER TO:

AGRS-CE
(24 Aug 50)

24 August 1950

SUBJECT: Request for Information

TO: Commanding Officer
AG Records Depository
APO 928, c/o Postmaster
San Francisco, California

1. The Civilian Personnel Records Branch, this Center, in the adjudication of claims of alleged former crew members of U. S. Army Transports is experiencing difficulty in establishing those individuals who were actually Army Transport Service personnel and entitled to considerations of benefits under the Missing Persons Act. There is on file in this branch, lists showing crew members of the various vessels including those of "chartered" or "requisitioned" vessels. There is also information indicating that crew members of those "chartered" or "requisitioned" vessels are not eligible for consideration of benefits under Public Law 490, as amended, the Missing Persons Act. However, since recent determinations made by your office have accorded status to some individuals who served aboard chartered vessels while their co-workers were denied such status as "Non Project J" it is believed that the latest policy or procedure applied by your office is not available in this branch.

2. In order that the Civilian Personnel Records Branch may have full information as to the policies and procedures applied in making determinations of status of those cases where the individual served aboard a "chartered" or "requisitioned" vessel it is respectfully requested that such policy or procedure be furnished at the earliest possible date.

3. Request your reply be addressed to the Chief, Civilian Personnel Records Branch, Records Administration Center, AGO, Building 104, St. Louis 20, Missouri, ATTENTION: Casualty Unit.

FOR THE ADJUTANT GENERAL:

Albert A. Lindquist

ALBERT A. LINDQUIST

Colonel, AGC

Chief, Civilian Personnel Records Branch

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Authority NND 883078

DISPATCHED
24 JG 1950
Civilian Personnel
Records Branch
AGO

RECEIVED
30 AUG 1950
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BASIC: Ltr fr Ch, Civ Pers Rec Br, DA, Office of The Adj Gen, RAC,
St. Louis 20, Mo., AGRDS-CE (24 Aug 50) subj: "Request for
Information" dtd 24 Aug 50.

AGRDR-JV

1st Ind

BAW/RE/ats

HEADQUARTERS, 8133D SERVICE UNIT, ADJUTANT GENERAL RECORDS DEPOSITORY,
APO 928, 12 SEP 1950

TO: Chief, Civilian Personnel Records Branch, RAC, AGO, Bldg. 104,
St. Louis 20, Missouri
(ATTN: Casualty Unit)

1. There has been no recent policy established, nor have proce-
dural changes been made, in cases of this type.

2. The following are the two policies involved in the determin-
ation of cases of this type.

a. First, the basic identification of any civilian employee
is predicated upon payroll data which establish his employment with
the War Department on certain specific dates. It follows that this
is the most conclusive information to be used in any case as establish-
ment of employment, through available payroll data, definitely brings
the subject within the purview of the Missing Persons Act.

b. Secondly, there is the policy of considering employees
of commandeered, chartered or requisitioned vessels as contract employ-
ees, and, as such, not eligible for consideration of benefits under
the Missing Persons Act. However, this is in conflict with the basic
identification policy when it can be established that payroll data are
extant which plainly indicate that employment was with the War Depart-
ment. It is believed that relatively few employees of such vessels
were paid from War Department funds. A likely explanation of the em-
ployment by the War Department of these persons is that emergency
conditions necessitated replacements or additional help.

3. It is believed that the office of Special Settlement of Ac-
counts, St. Louis, has the original pay data which are used by this
headquarters in making basic determinations of civilian status.

4. Recently there have been redeterminations in some cases, in-
asmuch as previous determinations (which were made shortly after the
activation of this headquarters), indicate that certain individuals
were not "J" personnel -- due to the belief, in the absence of payroll
data, that they were crew members of chartered vessels. Subsequently,
as additional payrolls were located, many prior determinations were

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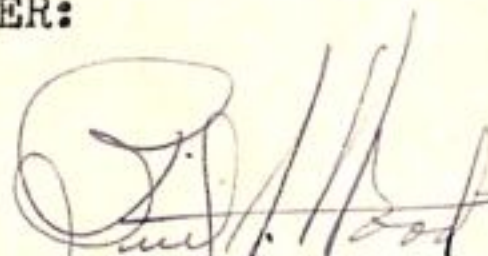
AGRD-JV 1st Ind
SUBJECT: "Request for Information".

found to be in error; therefore, redeterminations were made to correct the status of such personnel whose names were found on official payrolls.

5. Also, early determinations failed to indicate that in some cases the pay increase authorized by the QM General in a radio to General MacArthur's Headquarters on 4 Feb 1942 was granted. This was due to incomplete information on the matter. This office has recently made redeterminations on such cases.

6. If it is felt that the explanations contained herein do not obtain in the cases in question, request that specific cases of doubtful character be referred this Headquarters for further clarification.

FOR THE COMMANDING OFFICER:



BURL A. WOOD
WOJG USA
Adjutant

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Authority NND 833078

found to be in error; therefore, redeterminations were made to correct the status of such personnel whose names were found on official pay-rolls.

Also, early determinations failed to indicate that in some cases the pay increase authorized by the General in a radio to General MacArthur's Headquarters on 1 Jan 1950 was granted. This information is being furnished on the matter. This office has recently made redeterminations on such cases.

It is felt that the explanations contained herein do not obtain in the cases in question, request that specific cases of doubtful character be referred to Headquarters for further clarification.

FOR THE COMMANDING OFFICER:

[Handwritten Signature]
WILLIAM A. WOOD
USA
Adjutant

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21 SEP 1950
Civilian Personnel
Records Branch, AGO
AGRD
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BASIC: Ltr fr DA, Office of TAG, PAC, St. Louis 20, Mo., AGHS-CE 201
(8 Aug 50), subj: "Policies Governing Civilian Employee Determinations", 8 Aug 50.

AGRD-JV

1st Ind

BAW/RE/ats

HEADQUARTERS, 8133D SERVICE UNIT, ADJUTANT GENERAL RECORDS DEPOSITORY,
APO 928, SEP 1950

TO: Chief, Civilian Personnel Records Branch
Records Administration Center, AGO
Bldg., 104, St. Louis 20, Missouri
(ATTN: Casualty Unit)

1. In compliance with request contained in par 1 of basic, various command interpretations and policies are inclosed. These policies and interpretations have devolved from problems and circumstances that have arisen from time to time. All of them are not intended to be considered "hard and fast" rules, but are intended more as a guide, in order that a fair and equitable decision can be rendered on cases covered by the Missing Persons Act. Various circumstances or known facts which may not be shown or apparent in the case, are taken into consideration and this office attempts to judge each case on its individual merits under general policies and interpretations of the Missing Persons Act and the plan for Casualty Administration upon Reoccupation of the Philippines.

2. Further inquiry on policy matters may be directed to this headquarters.

FOR THE COMMANDING OFFICER:

1 Incls
Set of policies governing Civ employee determinations, in dup.

BURL A. WOOD
WOJG USA
Adjutant

EW
E. RINALDI
MAJOR AGC
DIR S & C DIV

JMB
P. M. BAKEN
Major Inf
Chief Vets Br

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DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
RECORDS ADMINISTRATION CENTER
ST LOUIS 20, MISSOURI

8 August 1950

AGRS-CE 201
(8 Aug 50)

SUBJECT: Policies Governing Civilian Employee Determinations

TO: Commanding Officer
Adjutant General Records Depository
Philippines Command (Air Force) & 13th Air Force
APO 928, c/o P. M.
San Francisco, California

1. At a recent conference held in Washington, D. C., representatives of your office indicated that certain current policies used by your office in making determinations of status under the Missing Persons Act of former civilian employees would be made available for use in connection with current activities at the Records Administration Center.

2. Information is furnished that during March 1950 the Civilian Personnel Records Branch, this Center, assumed custody of all civilian employee project "J" files, and on 19 May 1950 the current functions and files of the Determination Unit, Casualty Section, Personnel Actions Branch, AGO, as pertains to civilian employees, were transferred to the Civilian Personnel Records Branch. Authority was also delegated by the Secretary of the Army on 9 March 1950 to Albert A. Lindquist, Colonel, AGO, Chief, Civilian Personnel Records Branch and to Merrill O. Billbe, Captain, AGO, Executive Officer to make such determinations as may be necessary under the provisions of Public Law 490-77th Congress, as amended.

3. In order that the Civilian Personnel Records Branch may have complete information available when processing a "civilian case", it is requested that the policies and procedures referred to in Paragraph 1 be furnished at your earliest convenience. It is further requested that the list of affiants whose statements are not usually considered reliable be furnished.

FOR THE ADJUTANT GENERAL:

s/ M. O. Billbe
Adjutant General

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DEPARTMENT OF THE ARMY
SYSTEM OF THE ARMY
ARMY ADMINISTRATION CENTER
AT WASH DC, DISTRICT

6 August 1953

MEMORANDUM FOR THE CHIEF OF STAFF
(8 Aug 53)

SUBJECT: Proposed Revision of Army Regulations

1. The proposed revision of Army Regulations, covering the organization of the Army, is being prepared by the Adjutant General's School, Fort Belvoir, Colorado, and is being reviewed by the Adjutant General's School, Fort Belvoir, Colorado, and the Adjutant General's School, Fort Belvoir, Colorado.

2. It is proposed that the proposed revision of Army Regulations, covering the organization of the Army, be approved by the Adjutant General's School, Fort Belvoir, Colorado, and the Adjutant General's School, Fort Belvoir, Colorado, and the Adjutant General's School, Fort Belvoir, Colorado.

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FOR THE CHIEF OF STAFF

W. G. BRIDE
Adjutant General



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**CIVILIAN EMPLOYEE DETERMINATIONS
UNDER THE MISSING PERSONS ACT**

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- A. Procedure in civilian adjudication section
- B. Civilian adjudication check list
- C. Active service and local or intermittent labor
- D. Negative and non-Project "J" Cases

Section II - Status under the Missing Persons Act - determining periods of entitlement and non-entitlement to pay

- A. Interpretation of the Missing Persons Act, Staff Memo #14
- B. Allowances for sickness
- C. Guerrilla service
- D. Japanese employment
- E. Allowance to return home

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- C. Determination of death
- D. Finding of death
- E. Termination of pay by death
- F. Notification of death

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- C. Unpaid accrued leave
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Section V - Validity of Affidavits

- A. General Policies

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Section I-How Identified and HEADQUARTERS Civilian Employees of
the War Department (S133D SERVICE UNIT
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 928

Continuance. When any doubt exists as to any matter considered factual in rendering a determination, affidavits of superiors are considered fairly conclusive.

SECTION I

5. Payroll records may be helpful in determining dates of cessation of HOW IDENTIFIED AND DETERMINED AS CIVILIAN complete and rarely show the EMPLOYEES OF THE WAR DEPARTMENT of duty.

3. Civilian Adjudication Check List

A. Procedure in Civilian Adjudication Section

1. The following check list is used in civilian cases:

1. Once a claim is received by the adjudicator the case is reviewed to determine the following information, its availability and whether payroll data is available to establish or partially establish employment: Do not use local terminology or dialects.

- a. WD employment and position: Give the place, location or department of employment where employee was
- b. Date of beginning of employment: Willing determinations will usually show the subject's place of employment.
- c. Date of cessation of employment and reason: Will be used instead of Manila, Ft. McArthur, Nichols.
- d. Rate of pay: Army, other will be used.
- e. Date last paid: Will be used when last paid for pay or other related employment. Use "unpaid" for Philippine
- f. Continuity of employment
- g. Guerilla activities: Use last paid. Make appropriate check in all cases of other than fixed posts. Be sure
- h. Employment by Japanese agency: and relations of appropriate. Check payroll copies to insure accuracy.

2. In practically all cases War Department employment is verified by office payroll records or documents in possession of this headquarters. Occasionally verification is obtained from supervisors or other superiors who have personal knowledge of employment and who are solicited to make affidavits as to beginning, duration, nature of employment and rates of pay.

3. In the absence of official information to the contrary, as a rule, claimant's statement is accepted as to date of beginning of employment. Occasionally payroll records assist. Determine whether or not check payments were made before or after death.

4. To determine date of cessation of employment, as a rule, claimant's statement is accepted. Affidavits, or the findings of a field investigation may be used to determine date of cessation of employment and whether employee worked until enemy action precluded

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Section I-How Identified and Determined as Civilian Employees of
the War Department (Cont'd).

continuance. When any doubt exists on any matter considered factual in rendering a determination, affidavits of superiors are considered fairly conclusive.

5. Payroll records may be helpful in determining dates of cessation of employment. However, they are usually incomplete and rarely show the last period worked before cessation of duty.

B. Civilian Adjudication Check List

1. The following check list is used on civilian cases:

- a. Position title: Use the position or job for which the employee was last paid prior to coming under MPA. Do not use local terminology or dialects.
- b. Place, location, department: Use the place, location or department of employment where employee was assigned when last paid. All civilian determinations will clearly show the subjects place of employment. Instead of Corregidor, Ft. Mills, Corregidor will be used; instead of Manila, Ft. Wm McKinley, Nichols Field, Port Area, etc., will be used.
- c. Grade: Use grade held when last paid for CAF or other graded employees. Use "ungraded" for Filipino personnel.
- d. Salary: Use rate when last paid. Make arithmetic check in all cases of other than fixed rate. Be sure to include or exclude quarters and rations as appropriate. Check payroll copies to insure correctness.
- e. Period of entitlement: Begin date after last payment in full. Terminate on date work ceased, date released from POW status or last date of proven illness or absence. Do not allow more than two (2) months for illness without proof.
- f. Date last paid: Use date shown on payroll or date stated in affidavit, whichever is later date. Always check payroll. In deceased cases determine whether or not check payments were made before or after death and show date last paid accordingly.

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

- g. Partial payments: Check payroll and be sure to indicate all partial payments.
- h. Overtime: Allow only when evidence is specific as to entitlement and then compute and enter actual amount due.
- i. Date of death: Check all evidence in case carefully and evaluate so as to reconcile discrepancies. Be able to conclusively substantiate.
- j. Consultation: Whenever doubt exists whatsoever relative the correct entry to be made, consult and obtain a decision from Section Chief.

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C. Active Service and Local or Intermittent Labor

1. Determination of status of "active service" in cases of residents of the Philippines.

- a. The term "active service" contemplates an indefinite and continuing employment which would extend beyond the accomplishment of a single task such as building a warehouse, guarding a stock of supplies which are being moved, or demolition of certain bridges. In other words, it contemplates that the employee has become a part of the normal and continuing civilian personnel complement of the installation. (Letter WDDB 1 May 45). Such service, * * * is a question of fact and not of citizenship, residence or domicile prior to or during employment, or of prior employment in the United States or being sent therefrom. (Policy Memo WDDB 27 Jan 45).
- b. Residents of the Philippines who, prior to the outbreak of the war or during hostilities, were hired for analogous purposes, without contemplation of continuance as employees beyond the accomplishment of the task which warranted their employment, are not in general, by reason of such employment, regarded as having become civilian employees of the War Department within the meaning of the Missing Persons Act. Their status is that of native (local) labor casually hired. (Letter WDDB 1 May 45).

2. With the approval of the WD Dependency Board, this office has adopted the following practical test of indefiniteness and continuity of employment to bring it within the Missing Persons Act:

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

a. Employees hired for an "indefinite" period prior to 7 December 1941 and who remained on duty until enemy action precluded the continuance of their duties, will be continued in service under the Missing Persons Act.

b. Employees hired after 7 December 1941 will not be continued in service under the Missing Persons Act unless:

(1) They remained on such employment for a period of at least thirty (30) days, and

(2) They continued on such employment after the expiration of the thirty (30) day period until enemy action terminated their employment.

D. Negative and Non-Project "J" Cases.

1. Negative Adjudication

a. When from a consideration of all the facts the adjudicator concludes that they are insufficient to entitle the person to the benefits of the Missing Persons Act, he enters a negative determination.

b. Negative determinations are made in cases where the facts allow the application of one or more of the following rules:

(1) Records indicate that employee was intermittent or local labor casually hired and not entitled to the benefits of the Missing Persons Act. Ordinarily an employee who has not worked continuously for thirty (30) days before termination of employment will be considered intermittent or local labor casually hired. For example, work on a project was terminated shows that man worked only 16 days in November. It may therefore be concluded that subject was an intermittent or casually hired employee, NOT under the Act.

(2) Records indicate that employee did not remain on duty status until enemy action precluded the continuance of such duties and is not entitled to benefits of the Missing Persons Act. Discharge of employees because of abandonment of a project due to change of tactical situation should not be considered as employment terminated due to enemy

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

action. It must further appear that the employee remained on the duty until the job was halted by enemy action.

- (3) Evidence available to this office is insufficient to identify subject as an employee of the War Department therefore it is impossible to certify subject for benefits under the Missing Persons Act and subject's claim has been unfavorably considered for this reason.

2. Non-Project "J"

- a. As applied to this office, it refers to persons who are not WD civilian employees, with or without any connection with the War Department. Examples are:

- (1) Those employed by Post Exchanges
- (2) Those employed by various military units and paid from unit funds, such as kitchen workers, shoe shiners or employees of officers messes.
- (3) Employees of the Philippine Army.

3. Reason for Negative Determination

- a. The following may be used as a reason for negative determination:

"Not in active employment at or subsequent to the outbreak of hostilities".

4. Active employment includes recognized leave, sick or annual, with or without pay. In the absence of OSSA information proving leave status, other acceptable proof must be produced. Claimants statement in itself is not sufficient.

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SECTION II

STATUS UNDER THE MISSING PERSONS ACT

DETERMINING PERIODS OF ENTITLEMENT AND NON-ENTITLEMENT TO ARREARS IN PAY

A. Interpretation of Missing Persons Act, Staff Memo #14

1. Check sheet - from: D G and C/S To: Rec Pers Div

a. As a result of the conference held in my office, attended by the AG, the A C/S, G-3, representatives of the PA Section, G-3, the Recovered Personnel Division, AG, and Plans Division, the following policy is furnished for your information and guidance:

(1) Under the policy of this Headquarters, determination of casualty status and entitlement to pay under the Missing Persons Act will be as follows:

(a) A person missing in action (whereabouts unknown) or captured and imprisoned or interned by the enemy until his recovery by United States forces, will be determined to be in a casualty status with entitlement to pay for such period.

(b) A person who evaded capture, or fled to the hills, or actively joined guerrillas, or actively participated in the anti-Japanese movement, or remained in hiding to avoid capture, until his return to military control, will be determined to be in a casualty status with entitlement to pay for such period.

(c) A person who evaded capture, but returned to his home and continued a normal mode of living, will be determined not to be in a casualty status and not entitled to pay from the date of his release until the date he actively joined guerrillas or actively participated in the anti-Japanese movement, or returned to military control.

(d) A person who was captured and imprisoned or interned by the enemy, but was thereafter released will be determined not in a casualty status and not entitled to pay from

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Section II (Cont'd)

the date of his release until the date he actively joined a guerrilla force, or actively participated in the anti-Japanese movement, or returned to military control.

(e) A person whose active service in or for the military forces of the United States was terminated as a result of the enemy occupation and who was permitted to return to his home and pursue a normal mode of living, will be determined not in a casualty status and not entitled to pay after the date of termination of such active service.

(f) A person falling within the provision of c, d, or e, above, who can prove that material restraint was imposed on him or that he suffered "serious deprivation", to an extent greater than the restrictions, inconveniences, and lowered standards of living generally suffered by other residents incident to the Japanese occupation, as a direct result of his former official status under the United States, will be determined in a casualty status with entitlement to pay for the period such condition existed. The burden of proof rests with the claimant.

(g) Attention is also directed to par IV 1 (e) of the War Department Plan for Casualty Administration Upon Reoccupation of the Philippines.

B. Allowances for Sickness

1. Following will be used as a policy to determine cases where sickness is claimed as a result of action in the field, or from recognized established internments or concentrations:

a. The place sickness was contracted is an important factor in determining a claim of sickness. Civilian employees of the War Department who worked on Bataan and Corregidor or who were interned at Camp O'Donnell, will have a service connected claim. Persons who claim sickness, but were employed at a different location, such as Port Area, Manila or Fort Stotsenburg, cannot be assumed to have a service connected sickness. In such cases supporting evidence of claim will be required.

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Authority NND 883078

Section II Cont'd.

b. In cases where subject claims sickness for any period during the occupation, he will be required to present acceptable evidence to support claim of sickness as follows:

- (1) Doctor's certificate or affidavits from two
- (2) responsible persons (Parish priest, mayor of town, barrio leader, etc).

c. In cases where subject has been imprisoned at Camp O'Donnell, Capas, Tarlac, and was released on account of sickness, or escaped, and claimed sickness but does not state how long sickness last, a period of sixty (60) days will be assumed to have been sufficient for purpose of recuperation.

d. In cases where subject was interned in camps other than O'Donnell, the type of sickness must be ascertained before recuperation period can be determined.

e. Six (6) months maximum allowance is authorized for recuperation from an alleged sickness incurred during War Department employment when claimant has submitted medical certificate or other satisfactory evidence, wherein exact period of sickness is not proven.

C. Guerrilla service.

1. All affidavits will be searched for statements regarding guerrilla activity. All claiming guerrilla activity should be checked against recognized guerrilla rosters to verify guerrilla status determination before being approved for payroll as War Department civilian employee. However, employee may be carried as a civilian up to date guerrilla status is recognized.

2. A War Department civilian employee actually in a casualty status, who joined a recognized guerrilla unit may be continued in a civilian employee casualty status during such active guerrilla service. However, a civilian employee who is not in a casualty status by reason of his having returned to his home and having suffered no hardship or serious deprivation due to his former status as a civilian employee, does not revive or establish a civilian employee casualty status by joining the guerrillas. His rights, if any, are to Philippine Army status and as such shall be processed by Adjudication Branch,

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Section II (Cont'd)

Philippine Army Section and paid by Philippine Army. (Checknote #2 dated 4 Jan 45 from Director RPD).

3. Uncredited guerrilla service by the PA Branch, RPD, is only favorably considered by Project "J" Branch as an extension of casualty period when there is no break in service from date of the individuals last day of work with the War Department or upon recovery from sickness incurred as a result of his former War Department official status.

D. Japanese Employment

1. The day a War Department employee enters employment with a Japanese agency his missing status is terminated. A Japanese agency is defined as the Japanese sponsored Bureau of Constabulary, Municipal, Provincial or Republic office, or any private concern, utility or agency whose employees are paid by the Puppet Government or from Japanese funds. The only exception to this is forced employment.

2. The fact that a claimant did or did not work for a firm listed by AFWESPAC (16 Dec 45) as being under Japanese control, is immaterial so far as adjudication is concerned, except to prove that the claimant is not entitled to pay. The CIC findings will be used to establish loyalty status.

E. Allowance to Return Home

1. If individual in processing papers states it took two (2) weeks to arrive home after escaping from Death March or release from prison camp, such period is authorized. If no indication of time is shown, individual will be considered to have arrived home same day escaped or released from prison camp.

F. Continuation of Employment up to time of Preclusion by Enemy Action.

1. Where employee worked in Bataan or Corregidor and OSSA pay data shows him employed there after 1 January 1942 carry him through if he was taken prisoner of war.

2. If not taken prisoner of war OSSA must show him paid at least to 28 February 1942.

3. The most difficult problem to determine is the employee that states because of bombing he was unable to get transportation to work, or the employee on Corregidor who returned to Manila in December to see his family and states he could not get transportation back.

Section II (Cont'd)

ARTICLE III

DEATH OF CIVILIAN EMPLOYEES

Each of these cases will have to be decided on its merit. An old time employee will be given greater consideration than one who has worked a short time prior to the war. For the period up to 20 December 1941 the presumption is that the employee could get transportation back to place of employment. After that date, in case of old time employees, if reason given is plausible, the presumption will be in his favor. However, it must be remembered that there was considerable confusion and bombing after the outbreak of hostilities and that the majority of employees were given permission to evacuate their families and there actually was not always transportation back to place of employment. There should be a tendency toward a liberal attitude, especially when employee resides a considerable distance from place of employment.

4. Civilian employees, regardless of lengthy service (15, 20 or more years) will not be entitled to benefits for the full period under the Missing Persons Act if they were in any way gainfully employed during said period. The "restraint" policy will be applied in all such cases.

5. Continuity of employment will be determined by payroll records where possible. In the absence of these effort will be made to analyze the employment situation where employed to determine if employee was part of permanent or continuing personnel. The presumption is in claimants favor that employment was regular.

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6. Determination of death

a. A determination of death is made upon a prima facie or a legally stated case on official reports of death is lacking and when information and circumstances are deemed reasonably conclusive evidence of death and lead to no other logical conclusion. It may be made at any time when supported by evidence.

a. In the case of reports of death, the benefits under the Act ordinarily come in course, where a determination of death is made on the date the official notification is made to the organization or because the evidence and makes his findings. However, where the next of kin had notice or knowledge of the death of the civilian

SECTION III

DEATH OF CIVILIAN EMPLOYEE

A. Establishment of Death

1. There are three means by which death is established for the purposes of the Act. They are:

- a. Report of death
- b. Determination of death
- c. Finding of death

B. Report of Death

1. Report of death consists of information "deemed to establish conclusively death of person" and is normally an official report rendered through military or international channels.

- a. Where death is established by a report of death, the benefits under the Act normally terminate on the date "such evidence * * * is evaluated and found sufficient to establish the fact and time of death by the official having delegated authority to make such determination". (Par 7a (1) and 6a (2) Policy letter, WD Dep Bd, 27 Jan 45). However, in the case where next of kin were furnished notification of death by local officials, under the opinion of the JAG, the C-in-C may use "the date of receipt by next of kin from local officials of notification of death" if it is earlier than the date of receipt of the reports by C-in-C, as to the date on which benefits cease to accrue under the Act.

C. Determination of death

1. A determination of death is made upon a person absent in a casualty status when an official report of death is lacking but "when information and circumstances are deemed reasonably conclusive evidence of death and lead to no other logical conclusion". It may be made at any time when warranted by evidence.

- a. As in the case of report of death, the benefits under the Act ordinarily cease to accrue, where a determination of death is made on the date the official authorized to make the determination evaluates the evidence and makes his finding. However, where the next of kin had notice or knowledge of the death of the civilian

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Section II (Cont'd)

employee under the circumstances outlined in the JAG opinion, the C-in-C may terminate the benefits under the Act as of the date that the next of kin acquired such knowledge.

D. Finding of death

1. A finding of death is made at any time after the expiration of twelve (12) months absence in any case of a person missing or missing in action "when information is received or a lapse of time without information is deemed to establish a reasonable presumption that the person in the missing status is no longer alive". It is the means of establishing death by presumption when "the evidence does not warrant official report of the fact and date of death".

E. Termination of Pay by Death

1. The following is quoted from an opinion of The Judge Advocate General:

a. "It is the opinion of this office that the Commander in Chief, Army Forces, Pacific, may legally be authorized to determine that, in cases of death in the Philippine Islands of War Department civilian personnel, a casualty status within section 2 of the Missing Persons Act, shall not exist beyond:

(1) The date of receipt by the next of kin from local officials of notification of death or the date of receipt of such notification by General Headquarters, Army Forces, Pacific, whichever is earlier, or

(2) The date of actual death where the next of kin were present with such personnel at the time of death."

b. "It is further the opinion of this office that notice or knowledge of death, acquired by the next of kin under circumstances other than those described in paragraph a above, is not legally sufficient to justify a denial of a casualty status within section 2 of the Act, as amended, for any period prior to a determination of death or receipt of a report of death by the War Department or its authorized representatives."

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Section III(Cont'd)

2. In view of the above and WD Radio 49523 dated 15 Aug 45, approving such policy, payments to beneficiaries shall extend up to the dates determined under a(1) and (2), paragraph 1.

3. Where it is necessary to make a finding of death in the case of War Department civilian employees, such death will be presumed to have occurred one year and one day after the person became missing in action. In this case, payments to beneficiaries will be approved up to and including the date of death was presumed to have occurred.

4. The term "were present with such personnel at the time of death" as above used, is considered to embrace not on the situation where the next of kin were present at the actual death but also the situation where the kin saw the body, attended the funeral, or otherwise had direct knowledge of the fact that the individual died.

5. When a finding of death is made the date upon which death actually occurred is not attempted to be determined. The effect of the finding is that henceforth the person is presumed to be dead. Corollary to such presumption there must be an arbitrary date for termination of pay status and settlements of accounts. Such date is technically known as the "presumed date of death". If review and finding of death is upon expiration of twelve months in a missing status the "presumed date of death" is required by law to be fixed as the date following such expiration; if finding of death results from a subsequent review the "presumed date of death" shall be determined by the official making the finding and shall in the absence of special circumstances be the date such finding is made. In no case shall presumed date of death be subsequent to the date the finding is made or earlier than the day following expiration of twelve months absence. (Par 8, Policy letter WDDB 30 Jan 45).

6. When the casualty status is terminated by a finding of death, the "presumed date of death" terminates the accrual of benefits under the Act. This presumed date may not be earlier than the expiration of twelve months absence or subsequent to the date the finding is made. The case of Filipino civilian employees disposed of by findings of death with "presumed date of death" as of this time will result in payments of benefits for over three years. Filipino civilian employees were in general not molested or prevented from returning to their homes and normal mode of life by the Japanese. Those who were confined or interned were released under the policy of amnesty by about August 1942. Where such an individual had not returned to his home or communicated his whereabouts within a year, his family would reasonably believe that he had died. However, these facts were not available to the War Department until the reoccupation of the Philippines.

Section III (Cont'd)

It is believed that these constitute "special circumstances" which would authorize the C-in-C determining "the presumed date of death" in case of Filipino civilian employees absent, more than a year in a status of missing or missing in action, at a date earlier than the date such finding is made, but not earlier than one year after the beginning of the absence.

F. Notification of Death

1. The following forms will be used, as appropriate in affecting notification of death.

a. Where death is established by report of death:

(1) If next of kin received notification of death from local officials:

(a) "That the attached report of death is deemed sufficient to establish conclusively the death of the said employee at _____ on _____. The next of kin received such report of death from local officials on _____, and the casualty status of the said employee within section 2 of the Missing Persons Act, as amended, terminated on that date". (Auth: WD Ltr WDGAP 704 (7 Feb 45) 11 Aug 45, subj: Casualty Administration in the Philippines)

(2) If notification of death not furnished by local officials prior to receipt at this headquarters:

(a) "That the attached report of death is deemed sufficient to establish conclusively the death of the said employee at _____ on _____. The report of death was received _____". (date of determination)

b. Where death is established by a determination of death:

(1) Where next of kin had "notice or knowledge of death" under circumstances covered by The JAG's opinion:

(a) "That it may be reasonably concluded and determined that the said employee died at _____ on _____; or of-

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Authority NND 833078

Section III (Cont'd)

official notice thereof on _____
and that the casualty status of the said
employee under Section 2 of the Missing Per-
sons Act, as amended, terminated on this
last mentioned date."

(2) In other cases:

(a) "That it may be reasonably concluded and
determined that the said employee died at
_____ on _____
evidence of death was received _____"
(Date of the determination)

c. Where death is established by a finding of death:

(1) "That the said employee, having been in a missing
status for more than twelve months and there
being no evidence to indicate that he may be
alive, a finding of death is warranted with
_____ as the presumed date of death
for purpose of termination of pay status and
settlement of accounts." (The presumed date of
death will be the date of the determination).

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SECTION IV
RATES OF PAY

A. Establishment of Rates of Pay

1. Rate of pay should be confirmed by official payroll records or documents. In rare instances rate of pay may be proven by affidavits of persons having personal knowledge of salary, usually a personnel clerk, timekeeper or payroll clerk. There will be an investigation of reliability and identity of individual making the affidavit. In all cases of this nature knowledge of the adjudicator as to established rate of pay for certain jobs will assist in arriving at rate of pay.

2. In many cases when payroll records go up to 30 November or 15 December 1941 the employee will claim wages in excess of that shown by payroll records. If the difference claimed is small, for example: if the claimant claims \$.85 per day and official records show \$.75, use the official records. However, when there is considerable difference in amounts, interview and require claimant to prove his claim. In these cases affidavits will be accepted as to salary increases only from superior of individual whose integrity is known and who has personal knowledge of the payrolls.

3. Actually in late December 1941, many promotions and salary increases were made; however, proof must be unquestionable to establish individual promotions.

4. The date of last payment contained in affidavit is usually accepted unless there is official records to the contrary. In most cases claimant shows a later date than that shown by payroll records.

B. Graded and Ungraded Employees

1. Mr. C. C. Moulder, Director, Civilian Personnel, Office of the Assistant Chief of Staff, G-1, was contacted by phone this date relative to a question pertinent to graded and ungraded employees. To brief the case, one Mr. Roy T. Tuggle was hired as an Associate Engineer. No record is on file to indicate that he was graded. However, there are cases on file in this Branch which indicate that Associate Engineer, being a professional job, was graded as P-3.

2. The question was directed to Mr. Moulder as to whether Mr. Tuggle should be carried as an Associate Engineer, P-3 and paid the difference of pay as a graded employee. Mr. Moulder advised that he should not be paid as a P-3 but be paid at the rate of which

Section IV (Cont'd)

he was hired prior to his absence and stated further that unless a grade is on record no authority exists to arbitrarily grade any individual without a job analysis by Civilian Personnel. (Memo for record, 25 June 1943)

C. Unpaid accrued leave

1. No claim for unpaid leave accrued prior to outbreak of war is favorably considered unless sufficient proof is furnished to indicate validity of claim.

D. Pay of Army Transport Service Employees

1. With reference to the employment of this type of personnel, the crews of vessels of the Harbor Boat Service received a 50% increase over pre-war salary rates effective 1 February 1942, under a radio authorization of The Quartermaster General. For crews on transports or the larger ocean going vessels, a 100% increase in their cash salary rates was granted. The shore establishment personnel (such as cook hands, maintenance and repair gang and office employees) were not included in this authorization which applied only to personnel on floating equipment.

2. No employee is entitled to receive any additional figure when it is shown on official pay records that such 50% or 100% pay increase was given and included in the February or March pay.

3. Payrolls will disclose the subsistence and quarters allowances were deducted when crew members were aboard ship and while ashore the per annum or cash rate specified applied. However, in most cases the crews of the various vessels were usually aboard ship.

4. Employees of commandeered, requisitioned, cooperating and confiscated organizations will be considered to be Contractors' employees, and, as such, not entitled to the benefits of the Missing Persons Act. Such employees will be given a negative determination, "Non-Project 'J', Contractor's Employee" and their claims will be referred to Claims Service or the Federal Security Agency, Bureau of Employees Compensation, as the circumstances of the case may require.

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9053
BASIC: Ltr fr DA, Office of TAG, SAC, St. Louis 20, Mo., AGHS-CE 201
(8 Aug 50), subj: "Policies Governing Civilian Employee Determinations", 8 Aug 50.

AGRD-JV

1st Ind

BAW/RE/ats

HEADQUARTERS, 8133D SERVICE UNIT, ADJUTANT GENERAL RECORDS DEPOSITORY,
APO 928, 12 SEP 1950

TO: Chief, Civilian Personnel Records Branch
Records Administration Center, AGO
Bldg. 104, St. Louis 20, Missouri
(ATTN: Casualty Unit)


1. In compliance with command interpretations and policies contained in par 1 of basic, various interpretations have devolved from previous ~~times~~ ^{These policies and} arisen from time to time. All of them are not intended ^{to be} "hard and fast" rules, but are intended more as a guide, in order ^{that} a fair and equitable decision can be rendered on cases covered by the Missing Persons Act. Various circumstances or known facts which may not be shown or apparent in the case, are taken into consideration and this office attempts to judge each case on its individual merits under general policies and interpretations of the Missing Persons Act and the plan for Casualty Administration upon Reoccupation of the Philippines.


2. Further inquiry on policy matters may be directed to this headquarters.

FOR THE COMMANDING OFFICER:

1 Incl:
Set of policies governing Civ employee determinations, in dup.

BURL A. WOOD
WOJG USA
Adjutant


E. RINALDI
MAJOR AGC
DIR S & C DIV


P. M. BAKEN
Major Inf
Chief Vets Br



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Authority NND 883078

COPY FOR MAJOR RINALDI

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9054
BASIC: Ltr fr DA, Office of TAG, SAC, St. Louis 20, Mo., AGNS-CE 201
(8 Aug 50), subj: "Policies Governing Civilian Employee Determinations", 8 Aug 50.

AGRD-JV

1st Ind

BAW/RE/ats

HEADQUARTERS, 8193D SERVICE UNIT, ADJUTANT GENERAL RECORDS DEPOSITORY,
APO 928, 12 SEP 1950

TO: Chief, Civilian Personnel Records Branch
Records Administration Center, AGO
Bldg. 104, St. Louis 20, Missouri
(ATTN: Casualty Unit)


1. In compliance with request contained in par 1 of basic, various command interpretations and policies are inclosed. These policies and interpretations have devolved from problems and circumstances that have arisen from time to time. All of them are not intended to be considered "hard and fast" rules, but are intended more as a guide, in order that a fair and equitable decision can be rendered on cases covered by the Missing Persons Act. Various circumstances or known facts which may not be shown or apparent in the case, are taken into consideration and this office attempts to judge each case on its individual merits under general policies and interpretations of the Missing Persons Act and the plan for Casualty Administration upon Reoccupation of the Philippines.

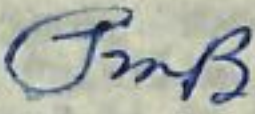
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1 Incl:
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Major Inf
Chief Vets Br



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AGRD
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OUT

CIVILIAN EMPLOYEE DETERMINATIONS
UNDER THE MISSING PERSONS ACT
DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
RECORDS ADMINISTRATION CENTER

Section I - The Adjutant General
ST LOUIS 20, MISSOURI

8 August 1950

AGRS-CE 201
(8 Aug 50)

SUBJECT: Policies Governing Civilian Employee Determinations

TO: Commanding Officer
Adjutant General Records Depository
Philippine Command (Air Force) & 13th Air Force
APO 928, c/o P. M.
San Francisco, California

1. At a recent conference held in Washington, D. C., representatives of your office indicated that certain current policies used by your office in making determinations of status under the Missing Persons Act of former civilian employees would be made available for use in connection with current activities at the Records Administration Center.

2. Information is furnished that during March 1950 the Civilian Personnel Records Branch, this Center, assumed custody of all civilian employee project "J" files, and on 19 May 1950 the current functions and files of the Determination Unit, Casualty Section, Personnel Actions Branch, AGO, as pertains to civilian employees, were transferred to the Civilian Personnel Records Branch. Authority was also delegated by the Secretary of the Army on 9 March 1950 to Albert A. Lindquist, Colonel, AGO, Chief, Civilian Personnel Records Branch and to Merrill O. Billbe, Captain, AGO, Executive Officer to make such determinations as may be necessary under the provisions of Public Law 490-77th Congress, as amended.

3. In order that the Civilian Personnel Records Branch may have complete information available when processing a "civilian case", it is requested that the policies and procedures referred to in Paragraph 1 be furnished at your earliest convenience. It is further requested that the list of affidavits whose statements are not usually considered reliable be furnished.

FOR THE ADJUTANT GENERAL:

a/ M. O. Billbe
Adjutant General

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CONFIDENTIAL
UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

Page 10
of 15

CONFIDENTIAL - SECURITY INFORMATION

Continuing...
Admission...
Special Agent (SA) [Name]
FBI, [Address]
[City], [State], [Zip]

1. It is noted that the Division reviewed the file of [Name] on [Date] and that the file contained a copy of a letterhead memorandum (LHM) dated [Date] and captioned [Caption]. The LHM is a copy of a memorandum for information (MFI) dated [Date] and captioned [Caption] which was received from [Agency/Division].

2. Information is furnished that [Name] was assigned to the [Agency/Division] in [City], [State] on [Date]. [Name] was assigned to the [Agency/Division] as a [Position] and was assigned to the [Agency/Division] as a [Position] on [Date]. [Name] was assigned to the [Agency/Division] as a [Position] and was assigned to the [Agency/Division] as a [Position] on [Date].

3. It is noted that the Division reviewed the file of [Name] on [Date] and that the file contained a copy of a letterhead memorandum (LHM) dated [Date] and captioned [Caption]. The LHM is a copy of a memorandum for information (MFI) dated [Date] and captioned [Caption] which was received from [Agency/Division].

FOR THE ATTORNEY GENERAL



4. N. O. [Name]
[Address]
[City], [State], [Zip]

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CIVILIAN EMPLOYEE DETERMINATIONS
UNDER THE MISSING PERSONS ACT

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- A. Procedure in civilian adjudication section
 - B. Civilian adjudication check list
 - C. Active service and local or intermittent labor
 - D. Negative and non-Project "J" Cases
- Section II - Status under the Missing Persons Act - determining periods of entitlement and non-entitlement to pay**
- A. Interpretation of the Missing Persons Act, Staff Memo #14
 - B. Allowances for sickness
 - C. Guerrilla service
 - D. Japanese employment
 - E. Allowance to return home
- Section III - Death of civilian employee**
- A. Establishment of death
 - B. Report of death
 - C. Determination of death
 - D. Finding of death
 - E. Termination of pay by death
 - F. Notification of death
- Section IV - Rates of Pay**
- A. Establishment of rate of pay
 - B. Graded and ungraded employees
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 - D. Pay of Army Transport Service Employees
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- A. General Policies

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Authority NND 833078

Section I-How Identified
The War Department

**HEADQUARTERS, Civilian Employees of
8133D SERVICE UNIT
ADJUTANT GENERAL RECORDS DEPOSITORY
APO 928**

continues. When any doubt exists as to any matter considered factual in rendering a determination, affidavits of superiors are considered fairly conclusive.

SECTION I

6. How Identified and Determined as Civilian Employees of the War Department

A. Procedure in Civilian Adjudication Section

1. Once a claim is received by the adjudicator the case is reviewed to determine the following information, its availability and whether payroll data is available to establish or partially establish employment:

- a. **WD employment and position**
- b. **Date of beginning of employment**
- c. **Date of cessation of employment and reason**
- d. **Rate of pay**
- e. **Date last paid**
- f. **Continuity of employment**
- g. **Guerilla activities**
- h. **Employment by Japanese agency**

2. In practically all cases War Department employment is verified by office payroll records or documents in possession of this headquarters. Occasionally verification is obtained from supervisors or other superiors who have personal knowledge of employment and who are solicited to make affidavits as to beginning, duration, nature of employment and rates of pay.

3. In the absence of official information to the contrary, as a rule, claimant's statement is accepted as to date of beginning of employment. Occasionally payroll records assist.

4. To determine date of cessation of employment, as a rule, claimant's statement is accepted. Affidavits, or the findings of a field investigation may be used to determine date of cessation of employment and whether employee worked until enemy action precluded

**Section I-How Identified and Determined as Civilian Employees of
the War Department (Cont'd).**

continuance. When any doubt exists on any matter considered factual in rendering a determination, affidavits of superiors are considered fairly conclusive.

5. Payroll records may be helpful in determining dates of cessation of employment. However, they are usually incomplete and rarely show the last period worked before cessation of duty.

B. Civilian Adjudication Check List

1. The following check list is used on civilian cases:

- a. Position title: Use the position or job for which the employee was last paid prior to coming under MPA. Do not use local terminology or dialects.
- b. Place, location, department: Use the place, location or department of employment where employee was assigned when last paid. All civilian determinations will clearly show the subjects place of employment. Instead of Corregidor, Ft. Mills, Corregidor will be used; instead of Manila, Ft. Wm McKinley, Nichols Field, Port Area, etc., will be used.
- c. Grade: Use grade held when last paid for CAF or other graded employees. Use "ungraded" for Filipino personnel.
- d. Salary: Use rate when last paid. Make arithmetic check in all cases of other than fixed rate. Be sure to include or exclude quarters and rations as appropriate. Check payroll copies to insure correctness.
- e. Period of entitlement: Begin date after last payment in full. Terminate on date work ceased, date released from POW status or last date of proven illness or absence. Do not allow more than two (2) months for illness without proof.
- f. Date last paid: Use date shown on payroll or date stated in affidavit, whichever is later date. Always check payroll. In deceased cases determine whether or not check payments were made before or after death and show date last paid accordingly.

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).
Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

- g. Partial payments: Check payroll and be sure to indicate all partial payments.
- h. Overtime: Allow only when evidence is specific as to entitlement and then compute and enter actual amount due.
- i. Date of death: Check all evidence in case carefully and evaluate so as to reconcile discrepancies. Be able to conclusively substantiate.
- j. Consultations: Whenever doubt exists whatsoever relative the correct entry to be made, consult and obtain a decision from Section Chief.

C. Active Service and Local or Intermittent Labor

1. Determination of status of "active service" in cases of residents of the Philippines.

- a. The term "active service" contemplates an indefinite and continuing employment which would extend beyond the accomplishment of a single task such as building a warehouse, guarding a stock of supplies which are being moved, or demolition of certain bridges. In other words, it contemplates that the employee has become a part of the normal and continuing civilian personnel complement of the installation. (Letter WDDB 1 May 45). Such service, * * * is a question of fact and not of citizenship, residence or domicile prior to or during employment, or of prior employment in the United States or being sent therefrom. (Policy Memo WDDB 27 Jan 45).
- b. Residents of the Philippines who, prior to the outbreak of the war or during hostilities, were hired for analogous purposes, without contemplation of continuance as employees beyond the accomplishment of the task which warranted their employment, are not in general, by reason of such employment, regarded as having become civilian employees of the War Department within the meaning of the Missing Persons Act. Their status is that of native (local) labor casually hired. (Letter WDDB 1 May 45).

2. With the approval of the WD Dependency Board, this office has adopted the following practical test of indefiniteness and continuity of employment to bring it within the Missing Persons Act:

Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

- a. Employees hired for an "indefinite" period prior to 7 December 1941 and who remained on duty until enemy action precluded the continuance of their duties, will be continued in service under the Missing Persons Act.
- b. Employees hired after 7 December 1941 will not be continued in service under the Missing Persons Act unless:
 - (1) They remained on such employment for a period of at least thirty (30) days, and
 - (2) They continued on such employment after the expiration of the thirty (30) day period until enemy action terminated their employment.

D. Negative and Non-Project "J" Cases.

1. Negative Adjudication

a. When from a consideration of all the facts the adjudicator concludes that they are insufficient to entitle the person to the benefits of the Missing Persons Act, he enters a negative determination.

b. Negative determinations are made in cases where the facts allow the application of one or more of the following rules:

(1) Records indicate that employee was intermittent or local labor casually hired and not entitled to the benefits of the Missing Persons Act. Ordinarily an employee who has not worked continuously for thirty (30) days before termination of employment will be considered intermittent or local labor casually hired. For example, work on a project was terminated shows that man worked only 16 days in November. It may therefore be concluded that subject was an intermittent or casually hired employee, NOT under the Act.

(2) Records indicate that employee did not remain on duty status until enemy action precluded the continuance of such duties and is not entitled to benefits of the Missing Persons Act. Discharge of employees because of abandonment of a project due to change of tactical situation should not be considered as employment terminated due to enemy

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Sec I - How Identified and Determined as Civ Emp of the WD (Cont'd).

action. It must further appear that the employee remained on the duty until the job was halted by enemy action.

(3) Evidence available to this office is insufficient to identify subject as an employee of the War Department therefore it is impossible to certify subject for benefits under the Missing Persons Act and subject's claim has been unfavorably considered for this reason.

2. Non-Project "J"

a. As applied to this office, it refers to persons who are not WD civilian employees, with or without any connection with the War Department. Examples are:

- (1) Those employed by Post Exchanges
- (2) Those employed by various military units and paid from unit funds, such as kitchen workers, shoe shiners or employees of officers messes.
- (3) Employees of the Philippine Army.

3. Reason for Negative Determination

a. The following may be used as a reason for negative determination:

"Not in active employment at or subsequent to the outbreak of hostilities".

4. Active employment includes recognized leave, sick or annual, with or without pay. In the absence of OSSA information proving leave status, other acceptable proof must be produced. Claimants statement in itself is not sufficient.

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SECTION II

STATUS UNDER THE MISSING PERSONS ACT

DETERMINING PERIODS OF ENTITLEMENT AND NON-ENTITLEMENT TO ARREARS IN PAY

A. Interpretation of Missing Persons Act, Staff Memo #14

1. Check sheet - from: D C and C/S To: Rec Pers Div

a. As a result of the conference held in my office, attended by the AG, the A C/S, G-3, representatives of the PA Section, G-3, the Recovered Personnel Division, AG, and Plans Division, the following policy is furnished for your information and guidance:

(1) Under the policy of this Headquarters, determination of casualty status and entitlement to pay under the Missing Persons Act will be as follows:

(a) A person missing in action (whereabouts unknown) or captured and imprisoned or interned by the enemy until his recovery by United States forces, will be determined to be in a casualty status with entitlement to pay for such period.

(b) A person who evaded capture, or fled to the hills, or actively joined guerrillas, or actively participated in the anti-Japanese movement, or remained in hiding to avoid capture, until his return to military control, will be determined to be in a casualty status with entitlement to pay for such period.

(c) A person who evaded capture, but returned to his home and continued a normal mode of living, will be determined not to be in a casualty status and not entitled to pay from the date of his release until the date he actively joined guerrillas or actively participated in the anti-Japanese movement, or returned to military control.

(d) A person who was captured and imprisoned or interned by the enemy, but was thereafter released will be determined not in a casualty status and not entitled to pay from

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Section II (Cont'd)

the date of his release until the date he actively joined a guerrilla force, or actively participated in the anti-Japanese movement, or returned to military control.

(e) A person whose active service in or for the military forces of the United States was terminated as a result of the enemy occupation and who was permitted to return to his home and pursue a normal mode of living, will be determined not in a casualty status and not entitled to pay after the date of termination of such active service.

(f) A person falling with the provision of c, d, or e, above, who can prove that material restraint was imposed on him or that he suffered "serious deprivation", to an extent greater than the restrictions, inconveniences, and lowered standards of living generally suffered by other residents incident to the Japanese occupation, as a direct results of his former official status under the United States, will be determined in a casualty status with entitlement to pay for the period such condition existed. The burden of proof rests with the claimant.

(g) Attention is also directed to par IV 1 (e) of the War Department Plan for Casualty Administration Upon Reoccupation of the Philippines.

B. Allowances for Sickness

1. Following will be used as a policy to determine cases where sickness is claimed as a result of action in the field, or from recognized established internments or concentrations:

a. The place sickness was contracted is an important factor in determining a claim of sickness. Civilian employees of the War Department who worked on Bataan and Corregidor or who were interned at Camp O'Donnell, will have a service connected claim. Persons who claim sickness, but were employed at a different location, such as Port Area, Manila or Fort Stetsenburg, cannot be assumed to have a service connected sickness. In such cases supporting evidence of claim will be required.

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Section II Cont'd.

b. In cases where subject claims sickness for any period during the occupation, he will be required to present acceptable evidence to support claim of sickness as follows:

- (1) Doctor's certificate or affidavits from two
- (2) responsible persons (Parish priest, mayor of town, barrio leader, etc).

c. In cases where subject has been imprisoned at Camp O'Donnell, Capas, Tarlac, and was released on account of sickness, or escaped, and claimed sickness but does not state how long sickness last, a period of sixty (60) days will be assumed to have been sufficient for purpose of recuperation.

d. In cases where subject was interned in camps other than O'Donnell, the type of sickness must be ascertained before recuperation period can be determined.

e. Six (6) months maximum allowance is authorized for recuperation from an alleged sickness incurred during War Department employment when claimant has submitted medical certificate or other satisfactory evidence, wherein exact period of sickness is not proven.

C. Guerrilla service.

1. All affidavits will be searched for statements regarding guerrilla activity. All claiming guerrilla activity should be checked against recognized guerrilla rosters to verify guerrilla status determination before being approved for payroll as War Department civilian employee. However, employee may be carried as a civilian up to date guerrilla status is recognized.

2. A War Department civilian employee actually in a casualty status, who joined a recognized guerrilla unit may be continued in a civilian employee casualty status during such active guerrilla service. However, a civilian employee who is not in a casualty status by reason of his having returned to his home and having suffered no hardship or serious deprivation due to his former status as a civilian employee, does not revive or establish a civilian employee casualty status by joining the guerrillas. His rights, if any, are to Philippine Army status and as such shall be processed by Adjudication Branch,

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Section II (Cont'd)

Philippine Army Section and paid by Philippine Army. (Checknote #2 dated 4 Jan 46 from Director RFD).

3. Uncredited guerrilla service by the PA Branch, RFD, is only favorably considered by Project "J" Branch as an extension of casualty period when there is no break in service from date of the individuals last day of work with the War Department or upon recovery from sickness incurred as a result of his former War Department official status.

D. Japanese Employment

1. The day a War Department employee enters employment with a Japanese agency his missing status is terminated. A Japanese agency is defined as the Japanese sponsored Bureau of Constabulary, Municipal, Provincial or Republic office, or any private concern, utility or agency whose employees are paid by the Puppet Government or from Japanese funds. The only exception to this is forced employment.

2. The fact that a claimant did or did not work for a firm listed by AFWESPAC (16 Dec 45) as being under Japanese control, is immaterial so far as adjudication is concerned, except to prove that the claimant is not entitled to pay. The CIC findings will be used to establish loyalty status.

E. Allowance to Return Home

1. If individual in processing papers states it took two (2) weeks to arrive home after escaping from Death March or release from prison camp, such period is authorized. If no indication of time is shown, individual will be considered to have arrived home same day escaped or released from prison camp.

F. Continuation of Employment up to time of Preclusion by Enemy Action.

1. Where employee worked in Bataan or Corregidor and OSSA pay data shows him employed there after 1 January 1942 carry him through if he was taken prisoner of war.

2. If not taken prisoner of war OSSA must show him paid at least to 28 February 1942.

3. The most difficult problem to determine is the employee that states because of bombing he was unable to get transportation to work, or the employee on Corregidor who returned to Manila in December to see his family and states he could not get transportation back.

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Section II (Cont'd)

SECTION III

DEATH OF CIVILIAN EMPLOYEES

Each of these cases will have to be decided on its merit. An old time employee will be given greater consideration than one who has worked a short time prior to the war. For the period up to 20 December 1941 the presumption is that the employee could get transportation back to place of employment. After that date, in case of old time employees, if reason given is plausible, the presumption will be in his favor. However, it must be remembered that there was considerable confusion and bombing after the outbreak of hostilities and that the majority of employees were given permission to evacuate their families and there actually was not always transportation back to place of employment. There should be a tendency toward a liberal attitude, especially when employee resides a considerable distance from place of employment.

4. Civilian employees, regardless of lengthy service (15, 20 or more years) will not be entitled to benefits for the full period under the Missing Persons Act if they were in any way gainfully employed during said period. The "restraint" policy will be applied in all such cases.

5. Continuity of employment will be determined by payroll records where possible. In the absence of these effort will be made to analyze the employment situation where employed to determine if employee was part of permanent or continuing personnel. The presumption is in claimants favor that employment was regular.

6. Retardation of death

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SECTION III

DEATH OF CIVILIAN EMPLOYEE

A. Establishment of Death

1. There are three means by which death is established for the purposes of the Act. They are:

a. Report of death

b. Determination of death

c. Finding of death

B. Report of Death

1. Report of death consists of information "deemed to establish conclusively death of person" and is normally an official report rendered through military or international channels.

a. Where death is established by a report of death, the benefits under the Act normally terminate on the date "such evidence * * * is evaluated and found sufficient to establish the fact and time of death by the official having delegated authority to make such determination". (Par 7a (1) and 6a (2) Policy letter, WD Dep Bd, 27 Jan 45). However, in the case where next of kin were furnished notification of death by local officials, under the opinion of the JAG, the C-in-C may use "the date of receipt by next of kin from local officials of notification of death" if it is earlier than the date of receipt of the reports by C-in-C, as to the date on which benefits cease to accrue under the Act.

C. Determination of death

1. A determination of death is made upon a person absent in a casualty status when an official report of death is lacking but "when information and circumstances are deemed reasonably conclusive evidence of death and lead to no other logical conclusion". It may be made at any time when warranted by evidence.

a. As in the case of report of death, the benefits under the Act ordinarily cease to accrue, where a determination of death is made on the date the official authorized to make the determination evaluates the evidence and makes his finding. However, where the next of kin had notice or knowledge of the death of the civilian

Section II (Cont'd)

employee under the circumstances outlined in the JAG opinion, the C-in-C may terminate the benefits under the Act as of the date that the next of kin acquired such knowledge.

D. Finding of death

1. A finding of death is made at any time after the expiration of twelve (12) months absence in any case of a person missing or missing in action "when information is received or a lapse of time without information is deemed to establish a reasonable presumption that the person in the missing status is no longer alive". It is the means of establishing death by presumption when "the evidence does not warrant official report of the fact and date of death".

E. Termination of Pay by Death

1. The following is quoted from an opinion of the Judge Advocate General:

a. "It is the opinion of this office that the Commander in Chief, Army Forces, Pacific, may legally be authorized to determine that, in cases of death in the Philippine Islands of War Department civilian personnel, a casualty status within section 2 of the Missing Persons Act, shall not exist beyond:

(1) The date of receipt by the next of kin from local officials of notification of death or the date of receipt of such notification by General Headquarters, Army Forces, Pacific, whichever is earlier, or

(2) The date of actual death where the next of kin were present with such personnel at the time of death."

b. "It is further the opinion of this office that notice or knowledge of death, acquired by the next of kin under circumstances other than those described in paragraph a above, is not legally sufficient to justify a denial of a casualty status within section 2 of the Act, as amended, for any period prior to a determination of death or receipt of a report of death by the War Department or its authorized representatives."

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Section III(Cont'd)

2. In view of the above and WD Radio 49523 dated 15 Aug 45, approving such policy, payments to beneficiaries shall extend up to the dates determined under a(1) and (2), paragraph 1.

3. Where it is necessary to make a finding of death in the case of War Department civilian employees, such death will be presumed to have occurred one year and one day after the person became missing in action. In this case, payments to beneficiaries will be approved up to and including the date of death was presumed to have occurred.

4. The term "were present with such personnel at the time of death" as above used, is considered to embrace not on the situation where the next of kin were present at the actual death but also the situation where the kin saw the body, attended the funeral, or otherwise had direct knowledge of the fact that the individual died.

5. When a finding of death is made the date upon which death actually occurred is not attempted to be determined. The effect of the finding is that henceforth the person is presumed to be dead. Corollary to such presumption there must be an arbitrary date for termination of pay status and settlements of accounts. Such date is technically known as the "presumed date of death". If review and finding of death is upon expiration of twelve months in a missing status the "presumed date of death" is required by law to be fixed as the date following such expiration; if finding of death results from a subsequent review the "presumed date of death" shall be determined by the official making the finding and shall in the absence of special circumstances be the date such finding is made. In no case shall presumed date of death be subsequent to the date the finding is made or earlier than the day following expiration of twelve months absence. (Par 8, Policy letter WDDB 30 Jan 45).

6. When the casualty status is terminated by a finding of death, the "presumed date of death" terminates the accrual of benefits under the Act. This presumed date may not be earlier than the expiration of twelve months absence or subsequent to the date the finding is made. The case of Filipino civilian employees disposed of by findings of death with "presumed date of death" as of this time will result in payments of benefits for over three years. Filipino civilian employees were in general not molested or prevented from returning to their homes and normal mode of life by the Japanese. Those who were confined or interned were released under the policy of amnesty by about August 1942. Where such an individual had not returned to his home or communicated his whereabouts within a year, his family would reasonably believe that he had died. However, these facts were not available to the War Department until the reoccupation of the Philippines.

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Section III (Cont'd)

It is believed that these constitute "special circumstances" which would authorize the C-in-C determining "the presumed date of death" in case of Filipino civilian employees absent, more than a year in a status of missing or missing in action, at a date earlier than the date such finding is made, but not earlier than one year after the beginning of the absence.

F. Notification of Death

1. The following forms will be used, as appropriate in affecting notification of death.

a. Where death is established by report of death:

(1) If next of kin received notification of death from local officials:

(a) "That the attached report of death is deemed sufficient to establish conclusively the death of the said employee at _____ on _____. The next of kin received such report of death from local officials on _____, and the casualty status of the said employee within section 2 of the Missing Persons Act, as amended, terminated on that date". (Auth: WD Ltr WDGAP 704 (7 Feb 45) 11 Aug 45, subj: Casualty Administration in the Philippines)

(2) If notification of death not furnished by local officials prior to receipt at this headquarters:

(a) "That the attached report of death is deemed sufficient to establish conclusively the death of the said employee at _____ on _____. The report of death was received _____". (date of determination)

b. Where death is established by a determination of death:

(1) Where next of kin had "notice or knowledge of death" under circumstances covered by The JAG's opinion:

(a) "That it may be reasonably concluded and determined that the said employee died at _____ on _____; or of-

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Section III (Cont'd)

SECTION IV

Official notice thereof on _____ and that the casualty status of the said employee under Section 2 of the Missing Persons Act, as amended, terminated on this last mentioned date."

(2) In other cases:

(a) "That it may be reasonably concluded and determined that the said employee died at _____ on _____ evidence of death was received _____".
(Date of the determination)

c. Where death is established by a finding of death:

(1) "That the said employee, having been in a missing status for more than twelve months and there being no evidence to indicate that he may be alive, a finding of death is warranted with _____ as the presumed date of death for purpose of termination of pay status and settlement of accounts." (The presumed date of death will be the date of the determination).

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1. Mr. G. G. Boulder, Director, Civilian Personnel Office of the Assistant Chief of Staff, G-1, was contacted by _____ date relative to a question pertinent to graded and ungraded employee years. In view of the case, Mr. Roy L. Tuggle was hired as an Associate Engineer. He found in an file to indicate that he was graded. However, there are cases on file in this Branch which indicate that Associate Engineer, being a professional job, was graded as P-5.

2. The question was referred to Mr. Boulder as to whether Mr. Tuggle should be carried as an Associate Engineer, P-5, with the difference of pay as a graded employee. Mr. Boulder stated that he should not be paid as a P-5 but be paid at the rate of _____

SECTION IV

RATES OF PAY

A. Establishment of Rates of Pay

1. Rate of pay should be confirmed by official payroll records or documents. In rare instances rate of pay may be proven by affidavits of persons having personal knowledge of salary, usually a personnel clerk, timekeeper or payroll clerk. There will be an investigation of reliability and identity of individual making the affidavit. In all cases of this nature knowledge of the adjudicator as to established rate of pay for certain jobs will assist in arriving at rate of pay.

2. In many cases when payroll records go up to 30 November or 15 December 1941 the employee will claim wages in excess of that shown by payroll records. If the difference claimed is small, for example: if the claimant claims \$.85 per day and official records show \$.75, use the official records. However, when there is considerable difference in amounts, interview and require claimant to prove his claim. In these cases affidavits will be accepted as to salary increases only from superior of individual whose integrity is known and who has personal knowledge of the payrolls.

3. Actually in late December 1941, many promotions and salary increases were made; however, proof must be unquestionable to establish individual promotions.

4. The date of last payment contained in affidavit is usually accepted unless there is official records to the contrary. In most cases claimant shows a later date than that shown by payroll records.

B. Graded and Ungraded Employees

1. Mr. C. C. Moulder, Director, Civilian Personnel, Office of the Assistant Chief of Staff, G-1, was contacted by phone this date relative to a question pertinent to graded and ungraded employees. To brief the case, one Mr. Roy T. Tuggle was hired as an Associate Engineer. No record is on file to indicate that he was graded. However, there are cases on file in this Branch which indicate that Associate Engineer, being a professional job, was graded as P-3.

2. The question was directed to Mr. Moulder as to whether Mr. Tuggle should be carried as an Associate Engineer, P-3 and paid the difference of pay as a graded employee. Mr. Moulder advised that he should not be paid as a P-3 but be paid at the rate of which

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he was hired prior to his absence and stated further that unless a grade is on record no authority exists to arbitrarily grade any individual without a job analysis by Civilian Personnel, (Memo for record, 25 June 1948)

C. Unpaid accrued leave

1. No claim for unpaid leave accrued prior to outbreak of war is favorably considered unless sufficient proof is furnished to indicate validity of claim.

D. Pay of Army Transport Service Employees

1. With reference to the employment of this type of personnel, the crews of vessels of the Harbor Boat Service received a 50% increase over pre-war salary rates effective 1 February 1942, under a radio authorization of The Quartermaster General. For crews on transports or the larger ocean going vessels, a 100% increase in their cash salary rates was granted. The shore establishment personnel (such as cook hands, maintenance and repair gang and office employees) were not included in this authorization which applied only to personnel on floating equipment.

2. No employee is entitled to receive any additional figure when it is shown on official pay records that such 50% or 100% pay increase was given and included in the February or March pay.

3. Payrolls will disclose the subsistence and quarters allowances were deducted when crew members were aboard ship and while ashore the per annum or cash rate specified applied. However, in most cases the crews of the various vessels were usually aboard ship.

4. Employees of commandeered, requisitioned, cooperating and confiscated organizations will be considered to be Contractors' employees, and, as such, not entitled to the benefits of the Missing Persons Act. Such employees will be given a negative determination, "Non-Project 'J', Contractor's Employee" and their claims will be referred to Claims Service or the Federal Security Agency, Bureau of Employees Compensation, as the circumstances of the case may require.

SECTION V

VALIDITY OF AFFIDAVITS

A. General Policies

1. No affidavit is acceptable unless the affiant can be identified as being in a position to have first hand information. In the absence of OSSA information, a driver on Bataan must obtain affidavits from co-workers on Bataan who this headquarters can identify as having been on Bataan.

2. The validity of all affidavits will be determined at the time they are submitted so that if not acceptable the claimant can be told at once what is required of him.

3. Project "J" Section does not maintain a list of individuals whose statements are not considered reliable. Such a list might serve a useful purpose in other sections of this headquarters as official records of actual induction into military service are generally not complete, therefore, affiants are needed to establish induction and service. To be accorded War Department civilian employee status, however, official records on individuals must exist before entitlement under the Missing Persons Act is given. Affiants are selected from payroll records for verification purposes. Affidavits submitted are used to the best interests of the United States Government.

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Capt. Sance

BASIC: Ltr fm Robert F. Galliher, dated 18 Jan 1946.

GSXRP 201 - GALLIHER, ROBERT F. 5th Ind

HEADQUARTERS, UNITED STATES ARMY FORCES, WESTERN PACIFIC, APO 707
14 MAY 1946.

TO: The Adjutant General (Casualty Branch)
Washington 25, D. C.

1. From information available at this headquarters it is impossible to identify ROBERT F. GALLIHER as a War Department employee, and even if it could be established that he was a War Department employee his case would still be negative because he apparently was local labor casually hired and did not even work for a full month.

2. In that case however he would be entitled to pay for the actual time he worked, but would not come under the Missing Persons Act.

FOR THE COMMANDING GENERAL:

/s/ William G. Brown
WILLIAM G. BROWN
1st Lt Inf
Actg Asst Adj Gen

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Authority NND 883078

War Department, A.G.O., Washington 25, D. C., 19 April 1946.

TO: Commanding General, United States Army Forces, Western Pacific,
APO 707, c/o Postmaster, San Francisco, California.

TO: The Adjutant General (Casualty Branch)

1. Request clarification as to basic reason why subject is denied benefits of Missing Persons Act so that he may be correctly advised.

2. It is noted that original determination of status, dated 15 May 1945, referred to in 3rd Indorsement is based on fact that employment was temporary and subject did not suffer deprivation by reason of employment. But appeal is denied on the ground that there are no available records identifying subject as War Department employee.

3. After notifying subject of denial of appeal, it is anticipated in this case (as it is in all negative determinations) that subject will protest and attempt to enter a second appeal. If claim is denied because of lack of records or other remediable grounds, it is felt that the War Department must entertain the second appeal and attempt to aid the individual in securing the essential missing information. On the other hand, if claim is denied because of a fundamental failure of individual's employment to fall within the Act or the policies established thereunder, and the production of cumulative or corroborative evidence concerning employment obviously could not meet the reasons for denial of the claim, it is contemplated that the denial of the first appeal will be considered final.

4. It is requested that the grounds of negative determinations, whether of first impression or on appeal, be clearly differentiated as suggested above, so that the War Department may correctly advise the claimant, and furthermore be in a position to evaluate the worth of continued appeals.

By order of the Secretary of War:

/s/ F. M. Sasse'
Adjutant General.

BASIC: Ltr fm Robert F. Galliher, dated 18 Jan 1946.

GSXRP 201 - GALLIHER, ROBERT F. 3rd Ind

HEADQUARTERS, UNITED STATES ARMY FORCES, WESTERN PACIFIC, APO 707
2 MARCH 1946.

TO: The Adjutant General (Casualty Branch)
Washington 25, D. C.

Appeal from negative determination of United States Army Forces in the Far East, file FERP 201 - GALLIHER, ROBERT F., dated 15 May 1945, subject: "Determination of Status under Missing Persons Act of GALLIHER, ROBERT F." is denied for reason that there are no available records this headquarters identifying subject as a War Department employee. Request that subject be notified his appeal has been denied.

FOR THE COMMANDING GENERAL:

/s/ Stanley J. Sawicki
STANLEY J. SAWICKI
Capt AGD
Asst Adj Gen

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HEADQUARTERS
UNITED STATES ARMY FORCES IN THE FAR EAST

APO 501
15 May 1945

FERP 201 - GALLIHER, ROBERT F.

SUBJECT: Determination of Status under Missing Persons Act.
of GALLIHER, ROBERT F.

TO : The Adjutant General (Casualty Branch), Washington 25, D.C.

1. Herewith affidavit of ROBERT F. GALLIHER, civilian, who indicates War Department employment prior to enemy occupation of the Philippines.

2. It has been determined for the purpose of the Missing Persons Act that subject was not a civilian employee of War Department, in active service, while in any absent casualty status during the period of enemy occupation; that subject does not meet the requirements necessary to bring him within the terms of Public Law 490, as amended, for the following reasons:

a. Employment was created by emergency, without apparent contemplation of subject becoming a part of the normal and continuing civilian complement of any installation or of his continuance as an employee beyond the accomplishment of the task which warranted his employment.

b. Subject did not suffer deprivation by reason of former official status, as enemy detention was not a result of employment. Such detention would have occurred in any event by reason of individual being an allied national.

3. Subject has not been notified of this determination and right of appeal from same, as no specific claim for benefits of Public Law 490 has been made to this headquarters, inclosed affidavit being informational only. This negative determination is submitted pursuant to Par. 9, Sec. IV War Department Plan for Casualty Administration upon Reoccupation of the Philippines in anticipation of any claim that may be made in the future.

For the Commanding General:

/s/ H. M. Kremen
H. M. KREMEN
1st Lt., A.G.D.
Asst. Adj. Gen.

2 Incls.

Incl. 1 - Affidavit (Original)
Incl. 2 - Finan Affidavit (Original)

Info copy to: The Office of Special Settlement Accounts
27 Pine Street, New York 5, New York.

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209 N. Augusta Street
Staunton, Virginia
9 June 1946

Capt. F. M. Sasse, AGD
Casualty Branch
Office of the Adjutant General
Room 1 E 529, The Pentagon
War Department
Washington, D. C.

Dear Captain Sasse;

Receipt is acknowledged of your letter of 4 June 1946.

I am delighted to have you feel free to call on me in any way in which I may be of help to you or the group in RPD in working out the rather mean and involved job which you have. I agree that the Galliher correspondence is pretty much self-explanatory. I am forwarding it to Col. Marcus, the Director. Following my conferences with you, I wrote him a very detailed letter covering the problems, etc., which we discussed. This is largely a follow up and emphasis of some of these points. I think it will be helpful though to have the comments of your letter and underscoring and comments on the correspondence.

I am hopeful that you all will keep an eye on the Valdes complaint which you advised was up in G-1 for study and not let them go off on any tangent. As you can see from the Staff Memo No 14, AFWESPAC, which you returned to me, his objection is to the rules laid down in this, which is merely a statement of the "Serious Deprivation Rule (Par 1e, Sec 4, W D Plan), which was laid down by the War Department itself, and which has been reaffirmed by the War Department in numerous directives to us (Caluya, Florence Smith (?) Civilian, etc) and again as recently as your last letter in the James J. Cochran case. I do not see how they can do anything but uphold this rule. However, there is always the danger of some novice, writing an ill-considered opinion, without knowing all of the background decisions, which will make a lot of trouble and delay getting set right.

I enjoyed meeting you and our conversations together. I believe through this and my informal relay of your situation and problem to the folks in the Pacific, each of you will have a better understanding and appreciation of the problems of the other and may be able to clear up some of the rough spots.

A friend in Washington has very kindly loaned me his apartment for the coming week. I am loading Mrs. Bumgardner and the children in the car to-morrow and driving up for a well earned week of Zoo, sight-seeing, play and change. Should you have any

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occasion to want to see me or talk to me, call me and I will send them out on a tour and drop over. I will be at the residence of Mr. F. M. Newberry, 3215 Stephenson Place, NW. Telephone Woodlee 2274 (Better call me in the mornings before 1000 or in the evenings.

Sincerely yours,

Rudolph Bumgardner Jr.
RUDOLPH BUMGARDNER JR.
Colonel JAGD

1 Incl

Incl 1 cc Ltr Col M.H.Marcus, this date

209 N. Augusta Street
Staunton, Virginia
9 June 1946

Colonel Morris H. Marcus
Director
Recovered Personnel Division, AG
Hq, AFWESPAC
APO 707 c/ PM
San Francisco, Cal

AIR MAIL

Dear Col. Marcus;

I herewith forward letter of 4 June 1946, receive from Capt F.M.Sasse, Chief, Phil., Sec., Cas.Br., AGO, together with inclosed correspondence in the case of Robert F. Galliher.

I believe that Capt. Sasse's letter and comments on the file, together with those contained in my recent letter reporting on my conferences with him, will give you fully the picture in this matter and indicate necessary action to improve the calibre of our reports and their usefulness to the War Department.

As indicated in my letter to Capt Sasse, I am busy getting ready to take the folks away for a little trip. However, I wanted to get this off before I left.

Please feel free to contact me, if there are any matters which you wish your "agent" to act on. If you have the time, let me hear the news with you.

Sincerely yours,

RUDOLPH BUMGARDNER, JR.

3 Incls.

Incl 1 Ltr Capt Sasse 4 June 46
2 Cy R.F.Galliher File
3 Cy Ltr to Capt Sasse, this date.

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AFTER 5 DAYS RETURN TO

Col. R. Bumgardner, JAGD

0-292966

2209 N. Augusta St

Staunton Virginia



CAPT F. M. SASSE, AGD
CASUALTY BRANCH- AGO

ROOM 1 E 529- PENTAGON
WAR DEPARTMENT
WASHINGTON, D.C.

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(4 June 46)

4 June 1946.

Colonel Rudolph Baumgardner,
209 N. Augusta Street,
Staunton, Virginia.

Dear Colonel Baumgardner:

I am returning to you herewith Staff Memorandum No. 14, dated 27 December 1945, which you lent me for copying while you were in my office.

I am also sending you copies of several indorsements in the case of Robert F. Galliher to solicit your aid in advising WESPAC of our dilemma in handling these negative civilian determinations. The inclosures will pose the problem without extended comment, I believe. When TAG notifies a claimant that he is turned down under the Act he is limited by the reasons given by WESPAC as grounds for the determination. If those reasons are indefinite, inconclusive, contradictory, or subject to varied construction, both this office and WESPAC are inevitably involved in further correspondence, investigation and redetermination in the particular case.

If WESPAC will give us a staunch, vibrant "no" founded in the Act or the policies thereunder, we will treat that as final and conclusive (after the one obligatory appeal is had and determined) and so state to the claimant. However, if the reasons for the negative determination which we must report to claimant (in our opinion) allow him hope that he may perfect his case then we must give him all help we can to that end, and ship the matter back to WESPAC for re-determination.

Of course, such a situation will exist in some cases and they will have to be handled that way. But, I believe that in the many cases where it is possible to do so, WESPAC should be clear-cut and positive in their reasons for disallowing the claims. Then, we will be fortified in resisting the efforts of such claimants to re-open. Obviously, these claimants are not going to relinquish their claims easily, and we cannot, in good conscience, determine them, unless we feel that the last word has been said, and they do not fall within the Act, or do fall within one of the exclusions, and there is no possibility of making a case.

I may take advantage of your offer to act as intermediary to present some of our problems and points of view to WESPAC from time to time "off

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(4 June 46)

the record" as it were. I trust this will be helpful in making smoother working between the two headquarters.

I personally appreciate your coming in to talk over the mutual problems with this office, and trust my acceptance of your kind offer to aid will not become burdensome.

Sincerely yours,

F. M. SASSE'
Capt., AGD.

2 Incls:

1. Staff Memo.
2. R. F. Galliher inds.

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CERTIFICATE, OinG, CIVILIAN PERSONNEL DETERMINATION SECTION

21. Parties identified by: _____

22. _____ Entitled _____ Not Entitled
Basis _____

23. Entitled as: _____ Survivor _____ Reported Dead _____ Presumed Dead, To:
24. Pay from _____ to _____
25. Accumulated annual leave of _____ days.
26. Sick leave from _____ to _____ days.

Referred to:
27. USECC and assisted in preparation of necessary forms _____
28. Ret Div. CSC and assisted in preparation of necessary forms _____

29. Retirement deductions to be taken or waived _____

30. Remarks: _____

Date _____
OinG, Personnel Determination Section

F. CERTIFICATE OF DISBURSING OFFICER
On the basis of certificate from OinG, Personnel Determination Section, settlement has been made as follows on account of:

31. Name _____ 32. Station _____
33. Rate of Pay _____ 34. Overtime _____
35. Period Gross CSRFD Net

36. Paid as follows:
Cash or Check No. Payee Date

Date _____
Disbursing Officer

CIVILIAN EMPLOYEES 201

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