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FILIPINO VETERANS EQUITY COMPENSATION FUND: EXAMINING THE DEPARTMENT OF DEFENSE AND INTERAGENCY PROCESS FOR VERIFYING ELIGIBILITY

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT
AND INVESTIGATIONS

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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FILIPINO VETERANS EQUITY COMPENSATION FUND: EXAMINING THE DEPARTMENT OF DEFENSE AND INTERAGENCY PROCESS FOR VERIFYING ELIGIBILITY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
Washington, DC, Tuesday, June 24, 2014.

The subcommittee met, pursuant to call, at 2:45 p.m., in room 2212, Rayburn House Office Building, Hon. Joseph J. Heck (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JOSEPH J. HECK, A REPRESENTATIVE FROM NEVADA, CHAIRMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Dr. HECK. Well, good afternoon. Thanks everybody for coming. Before we begin today, I would like to take a moment to welcome and thank Ranking Member Tsongas and all the members of the subcommittee who hopefully will be showing up, as we just finished votes, for their participation today.

Although the Oversight and Investigations Subcommittee has been engaged on several important topics, and we have convened for other purposes in recent months, this is the first hearing since I assumed the gavel from Representative Roby. Mrs. Roby did an outstanding job as chairwoman, and was ably assisted by Ms. Tsongas. And I look forward to advancing that work with everyone in the months remaining in this Congress.

We stand at a critical moment for our Nation's military and national defense. And I believe the subcommittee's jurisdiction provides us a great opportunity to have a profound effect on policies both at home and abroad.

Today, we convene to learn more about a program meant to compensate Filipino veterans for service to this Nation during the Second World War. Filipinos have a long and distinguished history fighting on behalf of the United States.

In 1941, more than 260,000 Filipino soldiers responded to President Roosevelt's call to arms, and fought under the American flag during the World War II. Many made the ultimate sacrifice as soldiers or guerrilla fighters during the Japanese occupation of the Philippines. However, most World War II Filipino veterans did not receive compensation similar to what U.S. veterans received.

The Filipino Veterans Equity Compensation Fund was established to provide a one-time payment to Filipino veterans as settlement for all future benefits claim based on service. To date, over 18,000 payments have been approved by the U.S. Veterans Administration. However, some Filipino veterans have expressed concern

that they were impeded from filing claims or that their claims were improperly denied.

The plight of denied Filipino veterans has been a consistent focus of mine since I first met the members of the Las Vegas "Mighty Five." The "Mighty Five" are five Filipino veterans who fought bravely under American commanders in the Philippines and helped us win the war in the Pacific. The risks they took were no less daring than their American counterparts, their sacrifices made no less selfless.

Now, these brave veterans find themselves engaged in a new fight for recognition, respect, and honor. I have spoken with these proud men and their families on many occasions. They are certainly not getting any younger. In fact over the past 3 years the "Mighty Five" was reduced to only two with the passing of Silverio Cuaresma, Augusto Oppus, and Romeo Barreras. In addition, we lost Commander Francisco Cedulla in 2011, all of which were residents of southern Nevada.

It is not about the money for these men. They don't need another dime to live out their years comfortably. They are, however, eager to have their service recognized. They want to know that the United States Government, the Department of Defense, and others consider their service was equivalent to many others who served proudly.

The purpose of today's hearing is to receive testimony from relevant government witnesses regarding the claims approval process, and from Filipino veterans regarding their experience. Before recognizing my distinguished ranking member, I note that we will be joined potentially by some Members who are not members of the subcommittee. Accordingly, I asked unanimous consent that non-Armed Services Committee Members be allowed to participate in today's hearing after all committee members have had an opportunity to ask questions. Hearing no objections, so ordered.

Now, I turn to Ms. Tsongas for any remarks she may wish to make.

STATEMENT OF HON. NIKI TSONGAS, A REPRESENTATIVE FROM MASSACHUSETTS, RANKING MEMBER, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Ms. TSONGAS. Good afternoon, and thank you Chairman Heck. And I would like to thank the chairman, the panel of witnesses, the Filipino veterans and their families who are here with us today.

We as a nation owe a debt of gratitude, not only to our U.S. veterans, but to all those who have taken up arms to join our military in pursuit of a common purpose. In this sense, recognizing the significant contributions of Filipino veterans who provided invaluable support to the United States military during World War II is an important issue. And I look forward to your testimony on the Philippine Veterans Equity Compensation Fund and the claims approval process.

And for your information, those of you—those of you veterans here who or did participate in World War II, my father was a survivor of the bombing of Pearl Harbor, and he went on to help build runways across the South Pacific. So I thank you for all that you have done on our behalf. And I look forward to your testimony.

Dr. HECK. Thank you Ms. Tsongas. Now, I have also received various materials on this topic. I ask by unanimous consent that the following be entered into the record: a letter from Nevada Senator Dean Heller; a joint statement from Jose L. Cuisia, Jr., the Philippine Government's Ambassador to the United States and Major General Retired Delfin N. Lorenzana, Head of the Philippine Government's' Office of Veterans Affairs; a statement from Major General Retired Antonio Taguba, United States Army.

Is there any objection? Without objection, so ordered.

[The information referred to can be found in the Appendix beginning on page 75.]

Dr. HECK. This hearing will include two panels. On our first panel, we will hear testimony from three witnesses representing the Department of the Army, the Department of Veterans Affairs [VA], and the National Personnel Records Center of the National Archives and Records Administration. In our second panel, we will receive testimony from the head of the Filipino Veterans Organization and two Filipino Veterans Equity Compensation Fund claimants.

For the first panel, we have Brigadier General David "Mac" MacEwen, the 59th Adjutant General of the United States Army. Mr. Bradley Flohr is the Senior Advisor for Compensation Service at the Department of Veterans Affairs. Mr. Scott Levins is the Director of the National Personnel Records Center at the National Archives and Records Administration. We will hear prepared statements from the witnesses in that order, followed by questions from the members.

I thank you all for joining us today. I look forward to hearing your testimony. General MacEwen, we will start with you.

STATEMENT OF BG DAVID K. "MAC" MacEWEN, USA, THE 59TH ADJUTANT GENERAL OF THE U.S. ARMY, DEPARTMENT OF THE ARMY

General MACEWEN. Chairman Heck, Ranking Member Tsongas, distinguished members of the committee, I thank you for the opportunity to appear before you on behalf of America's Army to discuss Filipino Army verification of service and measures your Army has taken to improve and streamline the process. This is personal to me because my father served in the Philippines during World War II. And so, ensuring accurate recognition of service of Filipino Army members is critical.

Between late 1942 and June of 1948, the United States Army developed and administered a program to extend formal recognition to Filipino guerrilla units and individuals who contributed to the defeat of Japanese forces in the Philippines during World War II. This Guerrilla Recognition Program was robust. An immense number of documents were collected and investigated to ensure document accuracy. The results of this program were authenticated rosters of recognized guerrilla units, individual letters of recognition, certified witness affidavits and AGO [Adjutant General's Office] Form 23 Affidavit for Philippine Army Personnel. These remain the basis for the determination of service.

The Army maintains complete confidence that the records and files completed in 1948 provide the best and most accurate deter-

minations that could have been made from that time until today. The Army transferred the Philippine veterans service verification process to the National Personnel Records Center [NPRC] in 1998. The Army, using NPRC as our agent, maintains a close relationship also with the Veterans Administration. The Army has a longstanding and close working relationship with both NPRC and the VA. And together we are committed to sustaining an efficient claims processing program for Filipino veterans.

The issue of service verification has remained constant over the years. In October 2012, the White House Initiative on Asian-Americans and Pacific Islanders in collaboration with OMB [Office of Management and Budget] and the Domestic Policy Council, created the Filipino Veterans Equity Compensation Fund Interagency Working Group. The working group increased the transparency and concluded the process we use is sound. This effort represented the first time all organizations involved in the verification process were brought together to examine the process from start to finish.

The Army believes the decisions made 66 years ago were made by a competent authority that had the benefit of extensive postwar field work in conducting investigations with firsthand evidence to determine claims validity. The Army is well positioned and committed to meeting the claims processing needs for Filipino veterans. It is not possible for the Army to conduct a better, more detailed and more thorough investigation today than that which was conducted between 1942 and 1948. We have worked in the past with Members of Congress regarding eligibility rules and the criteria for service on individual cases and concerns that they may have. And we will continue to do so.

Chairman Heck, Ranking Member Tsongas, and members of the subcommittee, we wish to thank you for your continued support which has been vital in sustaining our All-Volunteer Army through an unprecedented period of continuous combat operations and will continue to be vital to ensure the future of our Army. I look forward to answering your questions today.

[The prepared statement of General MacEwen can be found in the Appendix on page 33.]

Dr. HECK. Thanks, General. Next we will hear from Mr. Flohr.

Excuse me, Mr. Flohr, is your mic on?

STATEMENT OF BRAD FLOHR, SENIOR ADVISOR FOR COMPENSATION SERVICE, U.S. DEPARTMENT OF VETERANS AFFAIRS

Mr. FLOHR. Is this better? Sorry. Chairman Heck, Ranking Member Tsongas, and subcommittee members, thank you for the opportunity to provide an update on the Department of Veterans Affairs administration of the Filipino Veterans Equity Compensation [FVEC] Fund. As you said, Mr. Chairman, in 1941 more than 260,000 Filipino soldiers responded to President Roosevelt's call to arms and fought under the American flag during World War II. Many served as both soldiers in the United States Armed Forces in the Far East and as recognized guerrilla fighters during the Imperial Japanese occupation in the Philippines. Later many of these brave individuals became proud United States citizens.

In 1946, the Congress passed the Rescission Act, providing Filipino World War II service does not qualify for the full range of ben-

efits available to the United States veterans. Congress and this administration recognizes the extraordinary contribution made by Filipino veterans. The American Recovery and Reinvestment Act of 2009, enacted on February 17, 2009, included a provision creating the Filipino Veterans Equity Compensation Fund. Eligible veterans who are U.S. citizens receive a one-time payment of $15,000. Eligible veterans who are not U.S. citizens receive a one-time payment of $9,000.

Philippine veterans were required under the law to file a claim by February 16, 2010. To qualify for this payment, an individual must have served before July 1st, 1946, in the Philippine Commonwealth Army, including recognized guerrillas, or in the New Philippine Scouts. In determining whether claimants are eligible for any VA benefit, including FVEC, VA is bound by U.S. military service department determinations as to whether the claimant has the qualifying service in accordance with statutes and regulations.

Less than 2 months after the law was passed, VA established an adjudication process, payment system, accounting system, and payment delivery system to successfully issue the first FVEC payment on April 8, 2009. VA conducted numerous successful outreach programs to inform veterans and their families about this benefit. This outreach continued until February 16, 2010, at the end of the 1-year filing period.

VA's Manila regional office established a dedicated team of employees who solely processed these claims. The Manila regional office also sent letters to all veterans found eligible for the benefit, advising them of their potential eligibility for VA disability compensation benefits.

The Manila office received 42,755 claims for FVEC between February 2009 and February 2010. As of June 1, 2014, of the claims received the Manila regional office granted 18,900 payments totaling $225,341,204 million. Currently there are 23,855 claims that have not been granted due to ineligibility.

All original claims have received a decision, but there are currently 19 reopened claims, and 31 appeals pending with VA. Approximately 48 appeals of these decisions are pending with the Board of Veterans Appeals, and another 16 are before the United States Court of Appeals for Veterans Claims.

If all individuals with reopened claims or pending appeals are found to be eligible for the payment, the Manila regional office would pay additional funds of approximately $1.7 million out of the fund. This assumes that all pending claims and appeals that are granted would be paid at the maximum of $15,000. In addition, $14.5 million has been returned to the Treasury for returned checks which results when a veteran dies with no eligible surviving spouse claimant. A total of $53.9 million remains in the appropriation.

The primary reason for denial of claims was the inability of these individuals to establish qualifying service required by section 1002(d) of the Recovery Act. These denied claimants included individuals from all walks of life who exercised their right to make an application to VA including children, grandchildren, and other family members of alleged veterans, widows of long-deceased veterans, and thousands of duplicative claims that we received.

In determining whether a claimant is eligible for VA benefit including FEVC, VA is legally bound under its regulations by military service department determinations as to service. Currently, unless VA has a genuine document issued by a U.S. military service department containing needed information to establish eligibility, VA regulations applicable to all claimants require that VA request verification of military service in the appropriate service department. Requests for service verification are sent to the National Personnel Record Center for World War II service and the U.S. Army and the Philippine Service who is the custodian of the U.S. Army's collection of records.

This concludes my testimony Mr. Chairman. I would be happy to address any questions you or the other members of the subcommittee may have.

[The prepared statement of Mr. Flohr can be found in the Appendix on page 40.]

Dr. HECK. Thank you, Mr. Flohr. And we will complete this first panel with Mr. Levins.

STATEMENT OF SCOTT LEVINS, DIRECTOR OF THE NATIONAL PERSONNEL RECORDS CENTER, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Mr. LEVINS. Good afternoon, Chairman Heck, Ranking Member Tsongas, and members of the subcommittee. Thank you for calling this hearing and for your continuing efforts to recognize the extraordinary contributions of Filipino veterans, including those who served in guerrilla units, for the service they provided in support of the United States during World War II.

I am proud to represent the staff of the National Personnel Records Center, many of whom are veterans themselves. I am pleased to appear before you today to discuss the work that the center does to serve those who have served. We appreciate your interest in this important work.

The NPRC is an office of the National Archives and Records Administration [NARA] located in multiple facilities in the St. Louis, Missouri, area. The center stores and services over 4 million cubic feet of military and civilian personnel, medical and related records dating back to the Spanish-American war.

NPRC holds approximately 16 million official military personnel files. These holdings also include service treatment records, clinical records from military medical treatment facilities, auxiliary records such as pay vouchers and service name indexes, and organizational records such as morning reports and unit rosters.

NPRC's military records facility receives approximately 4,000 correspondence requests each day from veterans, their next-of-kin, various Federal agencies, Members of Congress, the media, and other stakeholders. Nearly half of these requests come from veterans seeking a copy of their separation statement, their DD Form 214 or equivalent, because they need it to pursue a benefit. The center responds to 90 percent of those requests in 10 business days or less.

In addition to this correspondence work, the center normally receives between 5,000 and 10,000 requests each week from the VA and other Federal agencies requiring the temporary loan of original

records. These requests are normally serviced in 2 to 3 business days. Also included in these holdings are claim folders pertaining to Filipino nationals that were adjudicated by the U.S. Army after World War II, and unit rosters created by the U.S. Army in conjunction with this postwar recognition program.

In 1998, NARA entered into an agreement with the Department of the Army to accept the physical transfer of these records, though they remain today in the legal custody of the Department of the Army. Also as part of the agreement, beginning in fiscal year 1999, NPRC has assumed the responsibility for referencing these records consistent with procedures previously established by the Army.

In doing so, NPRC reviews its holdings to authenticate service determinations previously made by the Department of the Army. NPRC does this by examining claim folders, finding aids, and a variety of rosters compiled by the Army during the postwar recognition program. Most often this is done in response to requests from the Department of Veterans Affairs regarding compensation claims. Recognizing the urgency of these requests, NPRC strives to respond to these requests in 10 business days or less.

The technical instructions applied by NPRC technicians in referencing these records and responding to such requests, have been furnished to the American Coalition for Filipino Veterans and have been posted online for public viewing. The instructions are consistent with longstanding policies and practices of the Department of the Army and were applied by Army staff prior to the transfer of the reference function to NPRC.

On multiple occasions since the establishment of the Filipino Veterans Equity Compensation Fund, officials in the Department of the Army have visited NPRC, reviewed its technical instructions, examined its work process, and confirmed that NPRC was providing reference services consistent with the long established policies and practices of the Department of the Army.

NARA has also preserved records of historical value, documenting events that transpired in the Philippines during and after World War II. Included are records describing actions taken by the U.S. Army to recognize the service of Filipino nationals who supported the United States Army Forces in the Far East, including those who served in the guerrilla units. These records are available for public review at the National Archives Building in College Park, Maryland.

NARA is pleased to work with the subcommittee and other stakeholders to ensure Filipino veterans, including those who served in recognized guerrilla units, are recognized for their extraordinary service and support of the United States during World War II.

We have briefed interested congressional staff and other stakeholders on NARA's role in the process. We actively participated in the interagency working group established by the White House to analyze the process, and we have shared information with the Filipino veterans advocacy groups to help provide greater understanding of the reference process.

Working with the Department of the Army, we modified our response letters to provide more specific details regarding our reference results in instances where we are unable to positively authenticate a prior service determination. And at the suggestion of

the White House interagency working group, we digitized and posted online a report titled "U.S. Army Recognition Program of Philippine Guerrillas." This report explains how the recognition process was developed at the close of World War II.

We again extend our thanks to the subcommittee for expressing such interest in the role that NPRC provides in this important process. I am happy to answer any questions you may have.

[The prepared statement of Mr. Levins can be found in the Appendix on page 45.]

Dr. HECK. Thank you, Mr. Levins. I thank all of you for being here today and for providing your testimony. As a prelude to my questions, I want to show a quick kind of a 2-minute video that has several points to make about this presentation.

[Video shown.]

Dr. HECK. I ask unanimous consent to include into the record the video material pertaining to the Department of Veterans Affairs.

Any objection? Hearing none, so ordered.

[The information referred to is retained in subcommittee files and can be found at http://www.youtube.com/watch?v=1zuRM43nu JUn]

Dr. HECK. So that video I think is part of the issue and that—while it is great to have the outreach, that may have created some misperceptions when you hear that is open to every World War II Filipino veteran, that it can be applied for very easily, simple one-page, very simple, don't attach any information. We will call you if we need anything else. And then we see a lot of, or a fair number of denied claims that seem to keep coming back for appeal or those that just simply gave up.

NPRC documents provided to me by my constituents state that in order to establish service, the veteran's name must appear in the archives, and claim folders must contain compatible information. So can you tell me or define or outline what compatible information is acceptable?

Mic?

Mr. LEVINS. I think I turned it off instead of on, I am sorry about that. I can give you an overview of how the process works. And first, let me note that the standard operating procedures are online and available to the public. It included a lot of nuances that I won't cover in my verbal overview.

When a request comes in, we enter it into a tracking system and we digitize it. The request comes in from the VA, and then we assigned it to a small team of technicians. Because the volume of work that we received that relates to Philippine Army veterans is so small relative to the rest of the volume of work that we get, and because the holdings are specialized, they are different than a typical military personnel folder, and the process we follow is different than what we do to pull a typical military personnel folder and extract that DD–214, we assigned these cases to a specifically small group of people who are especially trained to work on them.

One of the staff members—a woman named Connie Tauzer, who has been doing this work for decades, and actually did it with the Department of the Army, and was transferred to the National Archives and Records Administration at the time the records and the function was transferred to us.

The first step in the process is to locate a claim folder. And it requires someone to physically go into a stock area where there are about 10,000 boxes of records of claim folders that were submitted by Filipino nationals to the Army during the recognition process, and they are arranged alphabetically.

And so, the person will have to go out and try to alphabetically find the responsive record. When they do that, they will consider multiple ultimate spellings of the name, phonetics spellings, recognizing that the name Felipe could have been spelled with an F or P. And eventually, they will exhaust their efforts to find a claim folder. Once they find the claim folder, when they review its contents, what they are looking for is what is called the Form 23, which is an affidavit that was submitted by the Filipino national at the time of the recognition program.

The next thing they are going to do is then attempt to find a roster, and to do that, what they will do is to go to a finding aid. Finding aids are cabinets full of index cards. And they will—again, they are arranged alphabetically. They will try to find the corresponding index card, and that will direct them to a specific number unit roster. Then they will go and retrieve that unit roster. And they will compare the unit roster with the Form 23.

The unit roster is a list of names and ranks and units. But back then, there were no Social Security numbers or service numbers assigned. So you have to compare the Form 23 to make sure that it is consistent with what is on the roster, and the roster is the definitive source. If those two pieces of information match, they extract information, furnish documents to the VA, and they use that to adjudicate the claim.

Dr. HECK. So then the claim that they have has to be both on a roster and have that piece of paper in the folder—is what is required to be certified?

Mr. LEVINS. Yes. Yes, sir.

Dr. HECK. So I would——

Mr. LEVINS. And—I am sorry to interrupt you. That process is for guerrillas. For members of the Philippine Army, it is identical to that, except the procedures allow us, for members of the Philippine Army to consider—if they are not on a roster, to consider some secondary information that might also be in that claim folder.

Dr. HECK. Okay. So an AGO Form 23 is the acceptable document to demonstrate proof of service?

Mr. LEVINS. Not on its own.

Dr. HECK. No, but that is the document that has to match with a roster?

Mr. LEVINS. Yes.

Dr. HECK. Or some other document if it is a regular Army not a guerrilla?

Mr. LEVINS. Right.

Dr. HECK. Okay. So I mean, is it possible that back in 1948 when hostilities concluded and everything was drawing down, that somebody didn't make it onto a roster, but they still have an AGO Form 23? And so, what is the mechanism by which an individual who may not be on the roster, but has an AGO Form 23, can apply and be approved for services, is that—there is no option for that indi-

vidual, because they are not on a roster that was constructed back in 1948?

Mr. LEVINS. In the case of guerrillas, that would be the case. What you could do is there are historical records at the National Archives in College Park that could be researched if you are trying to figure out why you were not recognized.

I had an opportunity yesterday to actually look at some of those records. And I looked at a case where someone had written into our center on multiple occasions. And we had not been able to authenticate the service. And when I went back to the Archive Records in College Park, I was able to find the history that shows that they were in the unit they said they were in. But it was a very deliberate decision by the Army to exclude two companies from that unit from official recognition. There were multiple letters appealing to the Army to reconsider its decision, and there were multiple responses indicating that this was a very deliberate decision that was not an oversight; this was back in the late 1940s or early 1950s time period.

Dr. HECK. So despite any other verifiable information they may have, particularly in AGO Form 23, and this is the one form one of my constituents who has been re-denied and also denied on appeal, because the name doesn't appear on a roster, as the guerrilla roster, they will not be eligible for compensation?

Mr. LEVINS. In the case of guerrillas, that is correct. We have, like I said, nearly 10,000 cubic feet of people who stepped forward and submitted those Form 23s, and a lot of those folks are not on rosters.

Dr. HECK. Okay. I will perhaps come back on a second round. But I will yield back and recognize Ms. Tsongas.

Ms. TSONGAS. Thank you. As we will hear in our subsequent panelists and as Congressman Heck is beginning to get at, the issue of service verification really seems to be the main issue at hand. And more specifically, it seems that much of the disagreement hinges on the question of which service records are currently required for positive determination of service versus which documents could be used and considered acceptable.

So, General MacEwen, a question I have for you is, in your testimony, you note that the Army maintained "complete confidence" in the records and files it compiled in 1948. What gives the Army such certainty that its records from nearly 70 years ago are the best and most accurate determination of qualifying Filipino service possibility? And if the best, why is it not—why are they not necessarily not the only? And isn't it possible that individuals who served honorably under U.S. command did not make it onto approve rosters? And as we hear the sort of nature of the record keeping, given that it is as old as it is, as rudimentary in its way as it is, given sort of modern techniques, I just would like to hear your testimony as to why you are so certain that this should be the primary if not the only route to verification of service?

General MACEWEN. Yes, ma'am, thank you—thank you for that question. The process that they went through in 1942 to 1948 was a very deliberate process, a sophisticated process, field work done, lots of public work with the people of the Philippines and there

were decisions made, and that is the reason these records were classified originally.

These files were classified "Secret/No Foreign" at the time. They were declassified about 20 years ago, but—or about 20 years ago. But they were classified for a purpose, because there was all kinds of information in those files that got to the entire service, because it wasn't just the time in service that the requirement was when we started with this verification and determination process between 1942 and 1948.

It had a number of different parts to it. Not only that it had a time period, but it also had a participation period. There were—I mean, 1.2 million claims during the 1940s for verification—determination of qualifying service, but only 260,000 of those were deemed to be qualifying service based on this very deliberate process.

So it is that deliberative process that they have made and documented so clearly is the reason that I have confidence that I—we couldn't do it any better under the rules that were established by the Congress in the 1940s of what qualifying service was.

Ms. TSONGAS. Did the rules that you applied in the 1940s that are the challenge here or because I still—we will hear from a subsequent panelist that did not appear in the list that you have put together. And yet, it is very clear from the records that he has been able to provide, that he did actually serve.

So I am just—so as a result, you know, for whatever reason, if he didn't make it onto the list back in the 1940s, why he should automatically be ruled out given that subsequently he was able to show his service?

General MACEWEN. Yes, ma'am. The name on the roster means that that person, their documents were scrutinized, verified and authenticated at the time. And that was—that is a decision that I can't see where I could go back and see under those same criteria that were in place in 1942, that I can't second-guess their view.

Ms. TSONGAS. All right. Another question, is there a process in place for people who did not hear, perhaps didn't see the public announcement that this was available to them, as they come forward, they learned post 2010 about this? Is there any process in place for those people?

Mr. FLOHR. Ranking Member Tsongas, unfortunately there is not. The statute limited that time period to a 1-year period ending in February of 2010. We are talking a lot here about guerrilla service and being unable to verify that. You know, VA has granted a number, thousands and thousands of claims from Philippine veterans, they were eligible Commonwealth Army and guerrillas were eligible for disability compensation for injuries incurred while they were on active duty. And their surviving spouses were eligible for death benefits if they died of a service connected disability or while on active duty.

So we don't have an issue with verifying that type of service, because this has always been verified. Because we have got that information, we had verified service and we granted benefits to—as I said thousands of Philippine veterans.

It is only the cases of the guerrillas that have not come forward or have not been found to be a guerrilla on a reconstructed roster.

I can tell you there is an issue with the way the names may have been recorded. We have several hundred, a number of hundreds of appeals of denials for this benefit.

And as of May of last year, we have granted about 450 appeals we had overturned because we found that the individual served under a slightly different name. Served with the middle name or did not serve with the middle name, and once we got that information, we provided it to NPRC. They were able to verify that person's eligibility. And then we granted the benefits immediately.

So it is really as General MacEwen said, there is a lot about going backwards. And right now, it would be very difficult to go back and find unfortunately a number of these individuals.

Ms. TSONGAS. Thank you. My time is up.

Dr. HECK. So I guess, following up on Ms. Tsongas's line of questioning, I guess, you know, it certainly is possible that individuals who served honorably in a recognized guerrilla unit may have been omitted from the reconstructed roster for several reasons, it would appear. Some is that perhaps the service wasn't determined to be valid service, some maybe that they just didn't show up to get their name put on the roster for whatever reason. They just, you know, missed the time when the rosters were reconstructed, and their name didn't show up on it for whatever reason.

So in that regard, and I think Mr. Levins, you mentioned that if they were able to find some other type of documentation of service whether it was, you know, in the National Archives in College Park, that showed them participating in a unit that was recognized, that somehow they would then be eligible for the benefit, is that correct?

Mr. LEVINS. Did I turn it off? I am not aware of that ever happening before. Yesterday, it was the first time I laid eyes on those materials at College Park. And what they showed me was a historical accounting of the effort that the Army only went through during this recognition program. And that that would be a good source to go to if you were looking for a legitimate reason as to why your unit may have been excluded.

I have never been to the Philippines, and I wasn't born until 25 years after the war. So I don't consider myself an expert at this. But in preparation for this hearing, I read a lot of the historical documents about the Army effort. And there were—there is—MacArthur had five points that established the criteria for units to be recognized.

And those five points, they dealt with things like they had to be organized in a specific manner that was similar to a U.S. Army unit or to a Philippine Army unit. There had to be record keeping. It had to be a full-time commitment, not a part-time. So the impression I got from reviewing those materials is that there are probably a number of people who supported the United States in some way or another, but fell short of the threshold to have their service recognized by the Department of——

Dr. HECK. It kind of segues into my next question. So I am looking at an AGO 23 now. And on it there are kind of three categories of service. There is a USAP Regular or Reservist, USAP Guerrilla, and then Civilian Guerrilla. Can you address the issue of a Civilian Guerrilla, and whatnot as a category? Those individuals are eligi-

ble for the benefit or would they not as a category be eligible, because it was a part-time—perhaps a part-time service and not a recognized force?

General MACEWEN. Sir, I don't—I don't know the answer. I will take that for the record. I can tell you though, that this whole thing about—I mean, there were thousands and thousands of people fighting alongside us, and as well as just fighting for their own country. They just unfortunately weren't eligible under the criteria that were established, you know, under the command of MacArthur and all those—the rest of those five things.

[The information referred to can be found in the Appendix on page 91.]

Dr. HECK. Thank you. I will yield back the balance of my time. And we now will go to Ms. Duckworth.

Ms. DUCKWORTH. Thank you, Mr. Chairman. I—well, I would like to start off by recognizing Major General Taguba, who is here in the audience. And thank you for your many, many years of dedicated service, not just to this country, but your leadership on this issue.

I am absolutely astounded, gentlemen. These men are dying. These men did not wait when the United States asked for help. They stepped forward immediately and volunteered to serve. Why are we making them wait 70 years?

Mr. Flohr, I am sorry, is that how you pronounce your name? Thank you. What is the backlog? What is the total number of claims that are pending right now waiting to be approved or having a decision?

Mr. FLOHR. Are you asking about backlog itself or the total number of claims pending?

Ms. DUCKWORTH. The total numbers of claims pending from Filipino veterans or veterans trying to access this compensation.

Mr. FLOHR. Ma'am, I am not aware of—as I have said in my statement, we have completed all original applications.

Ms. DUCKWORTH. Okay. How many are on appeal?

Mr. FLOHR. There are 19 reopened claims that, as they have been able to furnish additional evidence, that we are looking at. And there were 31 on appeal in the Veterans Benefits Administration, 48 of the Board of Veterans Appeals and 16 at the court.

Ms. DUCKWORTH. How many have been denied?

Mr. FLOHR. 23,000-plus.

Ms. DUCKWORTH. 23,000-plus, okay. Mr. Levins, do you know how many are waiting to be looked at that have that Form 23, but have not—we have not found the piece of paper or maybe it is a rock that somebody has chiseled in this information into one of these—I mean, archaic doesn't even begin to describe the process that you are explaining to me. But how many are stuck in this limbo where we are still trying to marry up the two different—the Form 23 and the whatever records there are?

Mr. LEVINS. There are very few pending with us. We—this morning I called in to the office and I think the number wasn't—was 40 something, and they dated back from like mid-June. We recognize the urgency of this request. And we are trying to respond as quickly as we can. And year to date, this fiscal year, I think our

response time is like 8½ business days, we get the information back to the VA.

Ms. DUCKWORTH. Okay. So there is $50 million in the account, and we are quibbling with these men, less than 200 men probably, who have been denied, who are on appeal, waiting for them to die so this goes away. And we are quibbling over—what—$1.5 million if they were all approved, is that what we said it was going to be Mr. Flohr—if they are all approved?

Mr. FLOHR. The estimate is approximately $1.7 million, yes.

Ms. DUCKWORTH [continuing]. $1.7 million; there is $50 million in the account, there is $1.7 million, and we are quibbling with them over this. And we are just basically dragging our—we are just waiting for them to die, which is unconscionable, because they were not waiting for Americans to die before they came forward to help.

And General MacEwen, I understand what you are saying about the record keeping and the very clear directive from General MacArthur. But we have to also remember that the United States Army and the United States itself at that time had some racist tendencies. And that some of those decisions may have been not necessarily based on the actual facts of how these men served. We had our own Senator, a great Senator, Daniel Inouye had his Medal of Honor downgraded to a Silver Star simply because of his race. And he was not the only one. And the Asian-Americans have seen this time and time again.

I have also seen it in Iraq many instances, and I deal with this in my own congressional service of veterans coming forward who have not had records kept on their service who are trying to get a Combat Action Badge [CAB]. In fact the members of my own crew who were blown up with me, two of them did not get a Combat Action Badge because they said they were told there was no proof. Yet, they were in the same aircraft with me. And I had to intervene in order to get them their CABs.

So let's not talk about how great the Army's record keeping is because as best as the Army does, we all understand what happens in a wartime situation. I just think it is ridiculous that we just don't approve these, get these men their compensation and then audit. We are punishing the majority of folks because we think that some of them are cheaters. I am sure there are cheaters out there. But we should go after the cheaters through an audit process. I don't understand why we don't just approve it, thank them for their great service, in addition to their nation, but for the great nation—for the United States, as well. And I am sure that the Americans whose lives they saved would want that to happen. I yield back, Mr. Chairman.

Dr. HECK. Thanks, Ms. Duckworth. You know, just quick, of the initial claims that were denied, do you know how many, what percentage were then approved on appeal?

Mr. FLOHR. Yes, sir, Mr. Chairman; approximately 10 percent, 150-plus as of May of last year. I don't believe there would be much more than that. I don't have that number as of today. But there are only 31 still pending in the VA.

Dr. HECK. Okay. Thank you. And I want to echo, you know, Ms. Duckworth's comment is that, I understand the record keeping, and I understand everything that was tried to be done back in 1942 to

1948 with the reconstructing rosters. But it would seem that if somebody comes in with an AGO 23, that has got a stamp on it, you know, stamped by the U.S. Government certifying they have served, that it should be the document that qualifies the individual for service. And we have a piece of legislation that is trying to do that. And we are going to see if we can continue to push that. I know that will make it much easier for you, General. I understand you are just interpreting the law and the regulations as they are written. And we have got to take the steps necessary to open up that pathway for more Filipino veterans.

Ms. Gabbard.

Ms. GABBARD. Thank you very much, Mr. Chairman. I too would just like to recognize my colleague Ms. Duckworth, and echo her comments about really understanding that this piddling over details when we are talking about constituents of ours, veterans who are here today, who are literally dying as they are waiting for the bureaucracy to recognize their service after decades and decades of waiting.

The other issue I think that we need to address is this one-stop opportunity of saying that you have until this date, and that is it, and then the door is closed to you when clearly there are still many more issues that need to be dealt with and recognized in verifying and recognizing their service, and for those who maybe didn't get the message or who were not able to put their claims in before that 2010 date. And again, the resources are there, they have been allocated to be able to recognize them.

I have a question about how helpful the Philippine Army documents have been in being able to successfully turn around some of the appeals or some of these claims in verifying records of service or whoever would like to take that question?

Mr. FLOHR. Thank you, Congresswoman. I think I stated earlier, it was because something like 450 appeals had been granted on further review when we were able to contact the individual, the veteran, and find out that they had served under a slightly different name. And when we sent, we are able to use the name that they had served under which was somewhat like I said, they used their middle name, which they don't use now. And we were—just to be able to send that to NPRC, they were able to then find the individual on the roster as a recognized guerrilla, and we immediately granted that benefit.

Ms. GABBARD. And those 450 overturned claims, that was because the veteran had appealed after they had been rejected?

Mr. FLOHR. Yes.

Ms. GABBARD. So you have 24,977 applications that have been disapproved which is a few—what—6,000 more than have been approved. Has your organization gone through, yourselves, at those that are disapproved to see what other veterans who may not have filed an appeal will face the same situation where it may be a slightly different name, which is basically a clerical error?

Mr. FLOHR. I can't say that we have. The numbers that have been denied, as I said in my opening statement, many of those were from children, and grandchildren, and uncles and aunts, and deceased, you know, survivors of deceased veterans, and they are

not entitled under the law to that benefit. And we have duplicates, many, many thousands of duplicate claims filed.

Ms. GABBARD. Do you know what percentage——

Mr. FLOHR. That all goes into that 23,000.

Ms. GABBARD. What percentage of those disapproved claims were from family members versus the veteran themselves?

Mr. FLOHR. I am sorry, I don't have that number. But, you know, it has been a large number. But the efforts to get the word out, like John Skelly did on that video, regional office personnel in Manila, from the day the law was passed, they started going out to all the provinces, there are like a thousand islands that make up the Philippine Islands. They went out to all of the provinces, they partnered with the Philippine Veterans Affairs Office, they held intake—they took claims on the islands that they visited, they had them come to—they went to Memorial Hospital, VA Memorial Hospital, took claims from patients there at the hospital. They did all—they did outreach up until the last day of the filing period that ended. So there may be some that didn't hear about it. But I think they did pretty much all of the outreach they could have done.

Ms. GABBARD. And I think there are also many Filipino veterans who are not residing in the Philippines, which is a point that needs to be recognized. And to do justice for these veterans, for clerical errors which they had no part in, it seems the least you could do is to go back and review their applications, which are disapproved through no error of their own, to correct them and not sit around and wait for them to file those appeals. I yield back.

Dr. HECK. Mr. Flohr, if you could take that question for the record, percentage of the denials that were the family members versus the veterans themselves?

Mr. FLOHR. Yes, sir.

[The information referred to can be found in the Appendix on page 91.]

Dr. HECK. Thank you. We will now recognize Ms. Speier.

Ms. SPEIER. Mr. Chairman, thank you. This issue to me is more than, than vexing. We make mistakes as a government from time to time. Ones we deeply regret. I would hope that one of the mistakes that we deeply regret is telling the Filipinos who served with us in World War II that they would be treated like veterans at the end of their service, and then rescinding that promise after the war, would be something we would regret, and if so, we would want to fix. It is the only group of nationals, of many groups of nationals that served with us across the world, that were given that pledge that then had it reneged on. And that is pretty shameful. So for us to now go through this process where we are only talking about giving $15,000 in benefits or $9,000 of benefits.

And basically of all those who have applied only 20 percent have actually been approved, which would suggest that 80 percent of the applications were by people who were lying, who were just trying to rip off the American government. I mean, I find that pretty preposterous that we would have that kind of presumption. And to Ms. Duckworth's point of presuming they are truthful until proven otherwise, would seem to make a lot of sense.

Now one of the complicating factors is that there was fire that burned a lot of records. And we somehow just disregard that and

presume like it didn't happen I guess. But the truth is many of those Filipino Scouts were probably on that list and there is this sense of well we think we've kind of recreated it.

So I am really troubled by this, this really I think, embarrassing process that we are going through where we've got boxes of records that we are flipping through and trying to see if we can somehow identify people and then going through index cards. I mean it is pretty laughable at this point when if you go back to the original supposition it was that they were going to get full veterans benefits and then we reneged on that.

So shouldn't we be erring on the side of providing the benefit to the few remaining Filipino vets that are alive? I mean we already know the numbers are really reduced. So my question is, can you administratively reopen the application time period without legislation?

Mr. FLOHR. Ma'am, I do not believe so. Not without legislation, no.

Ms. SPEIER. So you couldn't by regulation do that?

Mr. FLOHR. No.

Ms. SPEIER. In the statute itself?

Mr. FLOHR. It is in the statute, yes.

Ms. SPEIER. All right. According to the VA some records for the New Philippine Scouts were damaged or destroyed in the fire. However, in most instances the service department can verify New Filipino Scout servicing using alternative methods—that is a quote from the VA. So the presumption is even though these records were burned, we can pretty much figure out who they were even though the records were burned.

So I am kind of confused by it. How many individuals does this impact and how did you make the assessment given that the documents were destroyed?

Mr. LEVINS. I think that statement came from the VA, but I would like to clarify a little bit about the fire and the impact. Last fiscal year we were seeing about 2,500 requests related to service in the Philippine Army or as a guerrilla or as a Scout.

The majority of those were guerrillas or else people claiming to have served in the Philippine Army; a very, very small number were Scouts. If you were in the Philippine Scouts you were actually inducted into the regular army and you would have had a military personnel record just like any other member of the army.

And that is why if you were in the Scouts your records would have been stored among the records of World War II service men and could have been damaged or lost in that fire. As far as the collection of the guerrilla rosters and the claim folders that I have been speaking about, those were not impacted by the fire.

Ms. SPEIER. So what is the harm done at this point in granting these pending applications and having a claw-back opportunity, if in fact it is determined that they are not legitimate?

Mr. FLOHR. Congresswoman, we are—unfortunately we are—saying unfortunately—we are subject to laws and regulations that describe and direct how we process claims. If a veteran from World War II who served in Europe, an American veteran who now came forward—and they are still living of course—veterans come forward at this time and file a claim for anything—a disability that they

incurred, say they incurred in World War II, and we have never received anything from that veteran in the past, we would have to go through the same process we are going with this. And so we have to contact NPRC if we didn't have a DD–214 or they didn't provide, a veteran could not provide one to verify the service.

Everything starts with service verification. In order to receive benefits you have to have verified military service.

Ms. SPEIER. Well, I know but let's be—my time is up, Mr. Chairman and I will—if you are going to do a second round, I will ask questions on the second round.

Dr. HECK. We're going to have time for second round—on this panel because we have the second panel. We have votes again at 4:40. So I think with Ms. Tsongas, did you have one? Okay, all right, Ms. Bordallo, yes.

Ms. BORDALLO. Thank you very much, Mr. Chairman for calling this hearing. And frankly I am disheartened and embarrassed by what I am learning today. I am from Guam so, "mabuhay." And I salute all of the veterans, and I know there has to be a few veterans in the audience today.

And most of my constituents on Guam are Filipinos. We went through World War II, one of my first pieces of legislation to be introduced into Congress was the war claims for our people. People from the commonwealth of the Northern Marianas received claims; we never received any claims for what we went through, and we were occupied just as the Philippines for 4½ or about 4 years by the Japanese.

It is going through the House, the bill, and approved five times but just last week again, it was denied by the Senate, even though I found an offset for these claims. So I know what you are going through and frankly, I am shocked. I really am.

I thought we did—I was part of the legislation that gave benefits to the Filipino veterans, health benefits, and so forth. But I didn't know that all of this existed. Now from what I hear 2 million claimants in—is that true that you started out with as many as 2 million? I thought I heard that here.

General MACEWEN. Ma'am, when we did the original verification—it was 1.2 million.

Ms. BORDALLO. 1.2 million, all right. And thousands and thousands were denied. And I go along with Congressman Duckworth here, how many are alive? I don't have many veterans left in Guam you know, now; I mean they are in their 80s and 90 years old. Now I am suggesting in fact with your records how many of those original claimants are still alive? You have those figures?

Mr. LEVINS. No, we would have no way of knowing.

Ms. BORDALLO. No, we have no way of knowing. Well, I am sure that many of them are gone. Now I am suggesting that we have to go through legislation again to renew this because your—you said it is—time is running out, is that correct? When is the last?

Mr. FLOHR. Congresswoman, the period ended in February of 2010.

Ms. BORDALLO. Oh my, okay. So we probably will have to go, and I am suggesting that for all of those who originally claimed and have died, that perhaps this small amount of $15,000 or $8,000 could be given to at least one survivor. And we can legislate this

to use up this money that is sitting in this account. And right now if you took care of all the claimants what, it would only come to about $1 million or $2 million, is that correct? And you—it is $50 million in the account?

Mr. FLOHR. Yes, ma'am. And if a veteran filed an application for this benefit and before it was—a decision was made and it was granted, died, if he had a surviving spouse, she would be eligible for the——

Ms. BORDALLO. That is part—well I suggest we go back and take a look. And certainly those survivors are still there, aren't they?

Mr. FLOHR. Well, I am sure that they are. And the veteran, on his application would have indicated he was married and we would have reached out to his surviving spouse and made that payment.

Ms. BORDALLO. Well, Mr. Chairman, I am just, you know, I have been through this now for 12 years here in the Congress, trying to work for the people on Guam. And incidentally, we have a number of Philippine Scouts on Guam. Most of them have passed on.

So, this is truly sad. And I think we ought to look and maybe open this up again, if there is money there, and continue to work on trying to find the few that are left, and perhaps, give some kind of compensation to the survivors to appease the Filipino people.

I think this is truly—I am embarrassed and I just think it is wrong. They were there; they fought with us, many of them died. And we promised and we haven't held out on that.

So, Mr. Chairman, with that, I yield back.

Dr. HECK. Thank you, Ms. Bordallo. Thank you for taking the time to participate in today's hearing.

All right, gentlemen, we appreciate your testimony, realizing that you are just the messenger and that you are interpreting the regulations and the law as it was written. And it is incumbent upon us to make the necessary changes to be able to continue to try to expand the benefit—to get to those that rightfully deserve.

So again, thank you for your service and thank you for being here today. And thank you for your testimony.

So what we will do now is we kind—we will move into the second panel. And as we are flipping the panels, I will introduce the next set of witnesses. We have Mr. Celestino Almeda, who is a 97-year-old Filipino-American World War II veteran and an SVEC claimant. Mr. Jesse Baltazar, who is also a Filipino Veterans Equity Compensation Fund claimant. And Mr. Eric Lachica who is the son of a Filipino-American veteran and serves as the executive director of the American Coalition for Filipino Veterans Incorporated. As well, we have other distinguished Filipino veterans in the audience with us today. And I thank you, gentlemen, for being here.

We will hear a testimony from the witnesses in the order that I just named them. Mr. Almeda, whenever you are ready, you may begin.

STATEMENT OF CELESTINO ALMEDA, FILIPINO VETERANS EQUITY COMPENSATION FUND CLAIMANT

Mr. ALMEDA. Good afternoon, Mr. Chairman and members of this committee. My name is Celestino Almeda, a 97-year-old Filipino-American World War II veteran. I am the spokesman of the Amer-

ican Coalition for Philippine Veterans advocacy national organization. I reside in Gaithersburg, Maryland.

I have walked the halls of Congress together with a few dedicated veterans and volunteers over the past 15 years. We seek justice, honor, recognition, and equitable benefits for my comrades and their dependents.

In the years past, we had joined Senators Daniel Inouye, Daniel Akaka, as well as Congress Members Ben Gilman, Bob Filner, Mike Honda, Darrell Issa, and Nancy Pelosi in countless hearings to pass several bills.

In addition, we had been arrested in front of the White House to get the attention of George W. Bush. Pictures presented when we were chained at the fence of the White House.

Thus, it is my honor to testify before this committee on the eligibility problems my comrades and I faced when we applied for Filipino Veterans Equity Compensation benefits. Allow me to use my case as an unfortunate example.

The VA Department and the U.S. Army had repeatedly denied my requests for official recognition and my application for the Filipino Veterans Equity $15,000 veteran's benefit in minimal amount.

Allow me to tell my story. I was a vocational industrial arts instructor in a high school in the Philippines before the World War II. The Philippines was then a commonwealth territory of the United States. I was a national—a U.S. national who pledged allegiance to America.

In anticipation of hostilities with Imperial Japan, President Franklin Roosevelt ordered on July 26, 1941, the Philippine Commonwealth Army into the service of the Armed Forces of the United States, later named USAFFE, or U.S. Armed Forces in the Far East.

When the war was started, I was a ROTC graduate and in a Reserve Officer Training Corps. Thus, I was inducted into the active duty in December 1941, in the Anti-Sabotage Regiment in the Philippine Commonwealth Army Forces.

After the fall of Bataan and Corregidor, I joined the Filipino guerrillas. When the war was about to end, I reported for processing at Camp Murphy, now Camp Aguinaldo, and was mustered and given my discharge papers by the U.S.-Philippine Commonwealth Army personnel on April 2, 1945, with AS number 0–34642 by U.S. Army Lieutenant John B. Staples, summary court officer.

Later, I returned to military control and was assigned to the Construction Corps of the Philippines, a U.S. Army Engineer Corps. I had meticulously kept service records of my USAFFE, Philippine Army Special Orders in 1941, 1942, and 1945 from my Philippine Army and American officers with payment records from the Philippine Commonwealth Army Headquarters.

Let me show you a portion of my records. They are brown in color, crispy to be broken upon handling. I used these documents as evidence when I applied for U.S. naturalization based on my USAFFE military service under the 1990 Immigration Law.

This is my first U.S. passport issued in Manila in 1996. And with the same record, I got my universal access card to the VA hospital; this is my access card.

To make it short, I contested this NPRC decision with the help of a prominent immigration lawyer in Los Angeles and USAFFE documents I had. After appealing, as I have said, I was granted citizenship. In 2003, after George W. Bush signed the healthcare for Filipino veterans, I applied for VAI hospital identification card—that I have shown already my international card.

Incredibly, despite this crucial U.S. Army personnel account provided by the NPRC, the VA Board of Appeal decided on February 27, 2013, to deny my FVEC application based on a faulty legal opinion of their VA general counsel.

I have elevated my disagreement with the VA to the U.S. Court of Appeals for Veterans Claims. I am waiting for a decision up to now. I truly believe I have satisfied the provision of the law by filing my claim within 1-year period from the enactment of the law. I have complied with all the requirements for payment that are documents were issued by U.S. military department and contained the needed information as to length, time, and character of service and my documents are genuine and contain accurate information.

I have submitted to the VA the following key documents about my service: USAFFE Adjutant General Office Form 23, affidavit for military personnel, signed by American officer Lieutenant John Staples, dated April 2, 1946; officers and warrant officers qualification card from my file; U.S. Department Form 336 Revised—Revised Pay and Allowance Account; affidavit from my USAFFE comrades, who attested to my service; and U.S. Armed Forces Recovered Personnel Division (PHILRYCOM) document of my missing person status and USAFFE service by NPRC on March 19, 2012.

In closing, I stand to challenge any government agency or private institution with expertise regarding this matter to declare my documents fraudulent and I am ready to be punished to the full extent of the law.

I look forward to answering your questions. Forgive me if I cannot hear you well. I am not as young as I want to be.

Mr. Chairman, thank you again for your opportunity before your committee. In addition, personally, I will directly say that NPRC is not a service department. And there is no contract between the Army and the NPRC, but the records are from a service department.

[The prepared statement of Mr. Almeda can be found in the Appendix on page 49.]

Dr. HECK. Thank you, Mr. Almeda. Thank you. Now, hear from Mr. Baltazar.

Mr. Baltazar, you have 5 minutes, if you can, to keep your statement.

STATEMENT OF JESSE BALTAZAR, FILIPINO VETERANS EQUITY COMPENSATION FUND CLAIMANT

Mr. BALTAZAR. Good afternoon, Mr. Chairman and the members of the committee. My name is Jesse Baltazar. I am 93 years old, American World War II veteran of Korea and Vietnam. I am a member of the American Coalition of Filipino Veterans advocacy national organization, where Mr. Lachica is the chairman.

On behalf of my comrade here, I am here today—may I thank you for asking me to be here today and recommend solutions to

these eligibility problems of other thousands of surviving Filipino World War II veterans.

I am here to support my friend, Celestino Almeda in his fight for the original recognition for the U.S.—United States Army and the VA. I have known Mr. Almeda for the past decade and worked with him in several veterans association.

Even these days, thousands of Filipino veterans who served in Bataan like him are still fighting for his rights and for the benefits for the $15,000 veteran's benefits. I was an exception because I kept all the records, my original records in my possession, needed to satisfy the entitlement for those benefits.

This is an injustice, Mr. Chairman. Even President Truman, in his letter to the president of the Senate and the Speaker of the House in November—in May 15—May 18, 1945, stated the records of the Philippine soldiers for bravery and loyalty is second to none. And that there can be no question that what the Philippine veterans is entitled to benefits to very reasonable relation to those recovered—received by the American veterans with whom he fought side by side.

First, I would like to introduce myself. I am a retired Air Force major. I was born in Manila, Philippines. I began my career in 1941 when I was inducted in the United States of the Armed Forces in the Far East, USAFFE as we call it.

I was a POW [prisoner of war] and a survivor of the infamous Bataan Death March. After the war, I came to the United States to continue my military career. Upon arrival in San Francisco in 1946, I re-enlisted in the Army. I was the first and only U.S. inductee on record who did this.

In 1945, I was commissioned as a Second Lieutenant in the United States Air Forces being—I served in the United Air Force for 20 years assigned primarily overseas with the Office of Special Investigations of the United States Air Force. I served as a Russian interrogator in Korea, and Berlin, Germany.

After each—after which—after retirement from the military, I worked in the State Department starting in 1966 and continuing to the present time. I am still considered the oldest employee of the State Department. I began in Vietnam as a deputy provincial advisor in Region IV and currently, as a—currently, my job as a construction security commissioned in the State Department.

I graduated from Georgetown University in 1955 with a B.S. degree in languages and linguistics. In 1979, I received my Masters in education from the University of Virginia.

I fought in the battle of Bataan in 1942. I became a prisoner of war of the Japanese when the Americans surrendered in April 9, 1942. I was wounded and injured during combat. I survived the Death March. When I escaped with Filipino fishermen who smuggled me and a comrade in the middle of the night through infested swamps of Bataan.

I was determined to do whatever it took to survive individually. The thought of not surviving never occurred to me even in Korea or Vietnam, even with that bomb that went off in our company.

I am one of the few 80,000 Filipinos who walked in the infamous Bataan Death March in April 1942. Of this number, 25,000 men, women, and children lost their lives. We suffered brutal and inhu-

mane treatment from the Japanese soldiers aside from the malnutrition, dysentery, malaria, beriberi, and exhaustion. We were fed only a cup of boiled rice with a few flakes of salmon each day. Then, we laid down on the filthy bare ground of the compound at the mercy of the mosquitoes, scorpions, leeches, ants, and crickets.

Over 100,000 Filipinos of the Commonwealth of the Army fought alongside the other allies to reclaim the Philippine Islands from Japan in the name of democracy. We served as courageously as our counterparts during the Pacific War.

Our contribution helped to disrupt the initial offensive timetable in 1942 at—for 90 days, Philippine Army and American soldiers, despite shortage of food, lack of ammunition, obsolete and malfunctioning military hardware, and hostile jungle terrain, had battled the well-equipped invading Japanese Army.

Without the assistance of the Filipinos units, liberation of the Philippines would have taken much longer and with greater casualties of the United States.

We suffered brutal and inhumane treatment from the Japanese soldiers, aside from the malnutrition again and the different diseases. We were all—I lost my brother—my older brother and my younger brother when they fought the Japanese. My two sons, Melchior and Thomas, are here. Thomas is a former U.S. Army Officer and my son, Melchior, a U.S. Navy Seal.

For my World War II service in the Philippines Army soldier, I was awarded the $15,000 Filipino Veterans Equity Compensation in April 19—2010. However, that was not easy. I was initially denied when the Department of Veterans Affairs, when they said the NPRC did not have any records in their possessions.

It was only after I found the following records in my possession to these days. One, the Philippine Army Discharge Certificate dated 24 May 1946; two, Army of the United States Discharge Certificate dated 12 December 1946; three, Report of Medical Examination dated 23 February 1966; Verification of Military Retiree in Service Non-Wartime Campaigns and Expeditions dated 27 March 1975.

Mr. Chairman, I respectfully request that the VA Secretary should recognize the deserving claimants of the 4,500 remaining who have appealed to the VA denials of officials as they show or one of them my comrade here, Mr. Almeda.

Philippine Commonwealth Army, authentic discharge military papers as certified by the Philippine Government Veterans Affairs Administration or Adjutant General's Office. Filipino guerrillas whose names are on the recognized roster agreed by the U.S. Army and provide proof of their identity as certified by the Philippine Government Veterans Affairs Administration or Adjutant General's Office. Have no significant information, questioning their loyalty—their loyalty during World War II.

Dr. HECK. Mr. Baltazar, I have to ask you to try to close up if you can, so we can get to Mr. Lachica and ask some questions. I hate to do that to you sir, but you need to kind of finish up if you could with your statement.

Mr. BALTAZAR. Pardon me.

VOICE. Finish your presentation.

Mr. BALTAZAR. Application?

VOICE. Finish your presentation.

Mr. BALTAZAR. Oh, yes, yes, yes. Mr. Chairman, I ask respectfully request that VA's Secretary should recognize the deserving claimants of the 4,500 remaining veterans who have appealed to the VA—appealed, the denials of the VA officials. If they show a Philippine Commonwealth authentic discharge papers as certified by the Philippine Government Veterans Affairs Administration or General Office.

Filipino guerrillas whose names are on the recognized roster agreed to by the U.S. Army and provide proof of other identity as certified by the Philippine Government Veterans Affairs Administrators or Administrative Office.

These two requirements must be met before their applications may be heard. I look forward to answer the questions, Mr. Chairman.

[The prepared statement of Mr. Baltazar can be found in the Appendix on page 57.]

Dr. HECK. Thank you Mr. Baltazar. Mr. Lachica, we will look to you to wrap it up for the panel and then, we will get you some questions.

STATEMENT OF ERIC LACHICA, EXECUTIVE DIRECTOR, AMERICAN COALITION FOR FILIPINO VETERANS, INC.

Mr. LACHICA. Thank you. Good afternoon, Mr. Chairman and Ranking Member Tsongas and members of the committee. My name is Eric Lachica, volunteer executive director of the American Coalition for Filipino Veterans, a non-profit organization based here in Arlington, Virginia.

Over the past two decades as Mr. Almeda said, we have been lobbying Congress with the help of our champions, Daniel Inouye in the Senate and Senator Akaka, and their colleagues in the House. I would like to recognize, sir, Congressman Benjamin Gilman who has been a big champion of a Filipino—champion for the World War II veterans and Bob Filner and Daryl Issa and sympathetic staff of the White House of the Clinton-Bush administrations and to all the Members here who have been our sponsors over the years for our bills in Congress.

We would like to thank our allies, the VFW [Veterans of Foreign Wars], American Legion, and DAV [Disabled American Veterans] and community partners like the National Federation of Filipino-American Associations that led to victories like full burial benefits in 2000, full war-related disability compensation in 2001, and VA healthcare in 2003, and the Filipino Veterans Equity Compensation Law in 2009. And many of you were there to help get those bills passed.

So it is my honor to help Mr. Almeda and Mr. Baltazar in this—in the interest of their comrades who are not here today and the sons and daughters who are in the room with us. The eligibility issue at hand is very dear to me because my dad also got a hard time when he was alive getting healthcare benefits back in the 1980s. Luckily for us because of the laws we passed earlier, he and my mom are buried in National Cemetery in Riverside, California, in the National Cemetery, thank you very much.

So, I would like to just jump as—you have my written testimony and to address two issues, which I think will go to the heart of the matter. Mr. Almeda's case is a classic example that happens to many of our veterans. He has full documentation and we just realized over the past weekend why the Army directs the NPRC, the National Personal Records Center to deny service.

And this—I explain this in my email to some of your staff. For one thing even if they—for example this document, the NPRC documents of Mr. Almeda, which we only got 2 years ago. This was withheld from Mr. Almeda over the past 20, 30 years. I was trying to figure out, why was the NPRC who were instructed by the Army not to do so.

It is in my opinion, thanks to the earlier research done by the interagency working group of the White House in de-classifying that U.S. Army recognition process, which was secret. I think we know why now, this afternoon, for one thing Mr. Almeda got this in his records in NPRC, it took us almost 3 or 4 years just to get that in 2012.

It says, Mr. Almeda who got on the Recovered Personnel Division was supposed to be issued his document. All right, it says right there, subject individual was a member of the Philippine Army ordered into the service of the Armed Forces of the United States.

Okay. Why was—why did NPRC not give this to Mr. Almeda until 2 years ago? It took the [unintelligible] of the Philippine Embassy, we had to personally appeal to the Mr. Levins and Mr. Scott there, to give Mr. Almeda his records. They confirmed that there were records, all right.

And one thing about this record is that it confirms something amiss. Mr. Almeda was supposed to be paid. He was supposed to be paid 3,000 pesos for his back pay. And a check was issued, item number three, of 6,000 pesos. That is a lot of dollars back then. That is about $3,000, 1948 dollars, okay.

Guess what? Never—Mr. Almeda never got that check or got paid for his back pay.

Mr. ALMEDA. Who are they—who received this money? I didn't receive it, I don't have it in my record.

Mr. LACHICA. And we only realized this weekend, when we were doing our research. Who is this C.D. Sullivan, who was the Assistant Director of the Camp Murphy? He had to file this form. Who got the money? Where is the check?

Now that is one issue. The bottom line here upon research, thanks to the efforts of the interagency working group, the White House, and General Taguba in the room. They finally got out—they got this de-classified, the U.S Army Recognition Program, the Philippine Guerrillas.

You know, why there are so many Filipino veterans in my opinion are being denied because some of their American officers who served—who recognized them got into a fight with U.S. Army. These four names mentioned, and guess what, those four American officers, their Filipino soldiers were recognized, were paid, then the recognition revoked and that is the bottom line of the U.S. Army de-classified report.

One of them was one of our leaders, Colonel Edwin Ramsey, he is a World War II hero. He was the last American cavalry man to

lead a charge against the Japanese invaders on a horse in the Philippines. He was buried in the National Cemetery in Arlington Cemetery last year.

He has a Filipino wife in Los Angeles and guess what, because of that Army in-fighting back then about who is going to be recognized, they claim this secret U.S. Army recognition program document that Mr. Ramsey engaged—what does it say here—of fraud basically of getting Filipino veterans.

The guy is dead, all right. And he is a hero. They could have resolved this, but why did they keep it secret? Why did they keep Mr. Almeda secret or is the general here? Is he still, you know—he should answer these questions; why did the Army come out with a recognition program with no authors?

There are no authors on this document, which basically revokes recognition of at least 40,000. It says right there—24,000 of Colonel Ramsey's folks and almost 35,000. See that is—I think a big, big issue that they haven't been upfront about us. They could have told us, "Hey, if you are affiliated with certain American officers like Colonel Ramsey, you might have been recognized in 1945, 1946, 1947." Guess what, they were taken off the list—so-called list, these guerrillas.

Now, I just want to bring this to attention of the committee, we have to get straight answers, we can't afford the Army to besmirch the reputations of at least 40,000 Filipino veterans. Who have—many of these who have applied and were denied.

So, I would like to close, Mr. Chairman, we would like your committee to investigate this issue further. Why the Army have been making all of these secret allegations against World War II heroes like Colonel Ramsey. Denying Filipino veterans a copy of their records that they have, saying it is not compatible with our archives.

We had to complain to President Obama himself, to the Vice President which Mr. Almeda met with, to get the attention of NPRC. I would like to recognize Mr. Levins and Scott for taking pity basically on Mr. Almeda, of releasing his folder because they knew that something was amiss, the NPRC.

That the Army was not treating our veterans right. So, I would like to appeal to the committee that look into this, that is 40,000 of us of our veterans. Thank you very much, sir.

[The prepared statement of Mr. Lachica can be found in the Appendix on page 64.]

Dr. HECK. Thanks Mr. Lachica. And I want to thank both of the gentlemen who provided testimony for their service. Mr. Baltazar, I can only hope I look half as good as you do when I hit 93. But thank you for your service, thank you for taking the time to be here to tell your stories and to put a face to this problem that we are trying to tackle here on this committee.

I have no questions for the panel. I yield my time to Ms. Tsongas.

Ms. TSONGAS. Yes. I want to thank you, Mr. Almeda and Mr. Baltazar, for making so very real in your testimony the issues that we have been trying to address here today. And I want to thank Congressman Heck for organizing and holding this hearing, and it

obviously merits further attention. And I thank you so much for being here, but I also have no questions.

Dr. HECK. Ms. Duckworth.

Ms. DUCKWORTH. I also have no questions. But I wanted to thank Mr. Almeda and Mr. Baltazar for being here today and for your hard work. You are still looking out for your buddies and your comrades and I thank you for that, and I am just deeply awed by your presence.

Dr. HECK. Ms. Bordallo.

Ms. BORDALLO. Thank you, Mr. Chairman. And I too would like to go on any kind of if we decide to introduce legislation to expand this, to look at it again, because as they said earlier really, by law it was finished at 2010, is that correct?

Yes, no longer. I want to thank Mr. Almeda and Mr. Baltazar and of course, you, Mr. Lachica, for your testimony. And it is really shocking to hear that, you know, you have records here that show moneys and checks to be distributed and nothing was done.

I mean, it is—I am sure Mr. Chairman will be looking into this. And Mr. Chairman, I would like to be a part of any legislation that is introduced, to be a part of it because I have so many Filipino friends on Guam and——

Dr. HECK. Okay. There being no questions, I want to thank everybody for attending and for your participation. We will continue to look into this matter. The hearing stands adjourned.

[Whereupon, at 4:20 p.m., the subcommittee was adjourned.]

A P P E N D I X

June 24, 2014

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JUNE 24, 2014

RECORD VERSION

STATEMENT BY

BG DAVID K. MACEWEN

THE ADJUTANT GENERAL, G-1

UNITED STATES ARMY

BEFORE THE

OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

HOUSE ARMED SERVICES COMMITTEE

SECOND SESSION, 113TH CONGRESS

ON FILIPINO WWII VETERANS

JUNE 24, 2014

NOT FOR PUBLICATION UNTIL RELEASED BY THE

HOUSE ARMED SERVICES COMMITTEE

Chairman Heck, Ranking Member Tsongas, Distinguished Members of this Committee, I thank you for the opportunity to appear before you on behalf of America's Army to discuss Filipino Army verification of service and measures your Army has taken to improve and streamline the process. This is personal for me because my father served in the Philippines during World War II...and so ensuring accurate recognition of service of Filipino Army members is critical.

Between late 1942 and June 1948, the United States Army developed and administered a program to extend formal recognition to Philippine guerrilla units and individuals who contributed materially to the defeat of Japanese forces occupying the Philippines during World War II. This recognition was the equivalent of induction into the Philippine Army, which was in the service of the armed forces of the United States from July 26th, 1941 through June 30th, 1946. Formal recognition of guerillas by the United States established their eligibility for the same pay and allowances as provided by law to the Soldiers of the Philippine Army, and could also result in other Veterans' benefits to include health care, educational assistance, burial assistance, social security compensation and citizenship.

This "Guerilla Recognition Program" was robust. An immense number of documents were collected, investigated, and in some cases reconstructed and rebuilt, to ensure document accuracy. The results of the program - authenticated rosters of recognized guerilla units, individual letters of recognition, certified witness affidavits, and Adjutant General's Office (AGO) Form 23 (Affidavit for Philippine Army Personnel), etcetera, - remain the basis for determination of service. This program, due to its thorough processes, is the foundation for the Army's position, past and current, for making final service determinations for eligibility. The Army maintains complete confidence that the records and files completed in 1948 provide the best and most accurate determinations that could have been made from that time until today.

The Army transferred the Filipino veteran service verification process to the National Personnel Records Center in 1998. The National Personnel Records Center already

maintained Filipino Veterans records and this transfer successfully gained efficiencies and improved verification timeliness. The Army, using the National Personnel Records Center as our agent, maintains a close relationship with the Department of Veterans Affairs (VA). We assist the VA in providing benefits to the Filipino Veterans by verifying their service. Today, because the service determination has already been done through the Guerilla Recognition Program, the process is fairly simple:

1) The VA submits VA Form 3101 or VA Form 9 to the National Personnel Records Center, who retrieves and authenticates the service determination from the archived files. If sufficient documentation is not found in the file, the National Personnel Records Center works with the VA, who in turn works with the Philippine government, to obtain additional information. Once the National Personnel Records Center has matched evidence with unit rosters and is able to authenticate service, they complete National Personnel Records Center (NPRC) Test Form 02-03 and forward it to the VA. These rosters and reference lists serve only as a quick reference to what is actually in more than 1600 boxes of well-documented material stored in the National Archives building in College Park, Maryland. If unable to match evidence with unit rosters, the National Personnel Records Center annotates the VA Form 3101 accordingly and returns it to VA. Although the National Personnel Records Center executes this function, they follow the Army's procedures and program guidelines, and do not deviate from U.S. Army policy.

2) The National Personnel Records Center informs VA of the final determination.

3) VA delivers or denies the benefit.

The Army has long-standing and close working relationships with both the National Personnel Records Center and VA, and together we are committed to sustaining an efficient claims processing program for the Filipino Veterans.

The issue of service verification has remained constant over the years. The Army has

spent significant time and resources to continually review our service verification policy. Though we have complete confidence in the final service determinations already made, as with any other Army program, a review or study is periodically conducted to ensure that we are in compliance with the spirit and letter of applicable laws and regulations.

As published on the White House website, in October 2012, the White House Initiative on Asian Americans and Pacific Islanders, in collaboration with the Office of Management and Budget and the Domestic Policy Council, created the Filipino Veterans Equity Compensation Fund Interagency Working Group comprised of the VA, the Department of Defense, and the National Archives and Record Administration. The working group was tasked with analyzing the process faced by Filipino veterans in demonstrating eligibility for compensation in order to ensure that all applications received thorough and fair review.

The working group increased transparency and concluded that after a thorough accounting of the process to verify valid military service for Filipino World War II veterans that the process is sound. This effort represented the first time all organizations involved in the verification process were brought together to examine the process from start to finish. In addition to clarifying the claims process, the working group digitized and made available online for the first time a report titled, U.S. Army Recognition Program of Philippine Guerrillas. This crucial report explains how the recognition process was developed at the close of World War II, and, most importantly, the Army's careful reasoning behind the current policies on service verification. I will highlight some of the Army's more significant results of that Interagency Working Group:

- The Army reviewed and revalidated the retrieval and authentication procedures used by the National Personnel Records Center, and fully supported the public release of the procedures.

- The Army recognized the need to provide more detailed responses to requests for service determinations. As a result, we fielded several more specific response

letters which state: the individual's service authentication, whether or not the individual's claims folder and/or corresponding unit rosters were located, and what the next appropriate steps are for individuals with questions regarding service authentication.

- The Army placed a priority on requests for service determinations received from VA for Filipino veterans and has asked the National Personnel Records Center to ensure the requests receive prompt servicing.

Since the end of the war, the process of verifying service for Filipino Veterans of WWII has not changed, nor should it. It is not possible for the Army to conduct a better, more detailed, and more thorough investigation today than that which was conducted between 1942 and 1948.

Every day, the U.S. Army approves or denies someone a DD Form 214, Certificate of Release or Discharge from Active Duty, or an equivalent Statement of Service based upon documentation. The Army is not doing anything differently with respect to the Filipino Veterans than what we do, and have done, for all those that request a service statement for U.S. Army service.

The Army believes the decisions made 66 years ago were made by a competent authority that had the benefit of extensive post-war field work in conducting investigations, with first-hand evidence to determine claims validity. The Army is well-positioned and committed to meeting the claims processing needs for Filipino Veterans. We have worked in the past with members of Congress regarding eligibility rules and the criteria for service on individual cases and concerns they may have, and we will continue to do so.

Chairman Heck, Ranking Member Tsongas and members of the subcommittee, we wish to thank all of you for your continued support, which has been vital in sustaining our All-Volunteer Army through an unprecedented period of continuous combat operations and

will continue to be vital to ensure the future of our Army. I look forward to answering your questions today.

The Adjutant General

Brigadier General David K. "Mac" MacEwen
The 59th Adjutant General of the U.S. Army and
Executive Director of the Military Postal Service Agency

Brigadier General David K. "Mac" MacEwen is a native of Girard, Pennsylvania. He attended Clarion University of Pennsylvania, graduating in 1981 as a Distinguished Military Graduate of the ROTC program. Brigadier General MacEwen holds a Bachelor of Science Degree in Business from Clarion and a Master's Degree in National Security and Strategic Studies from the U.S. Naval War College. His military education includes the Adjutant General Basic and Advanced Courses, Combined Arms and Services Staff School, the U.S. Army Command and General Staff College, and the U.S. Naval War College.

During more than 32 years of service, he has served and commanded units at every echelon, from platoon leader to one star-level command and worked in key staff positions from brigade to theater with duty in Korea, Germany, Albania, Saudi Arabia, Kuwait, Iraq, and the United States.

His key assignments include:

- Commanding General, United States Army Soldier Support Institute
- Executive Officer, Office of the Vice Chief of Staff, Army
- Chief, Colonels Management Office, Office of the Chief of Staff, Army
- Commander, 1st Personnel Command, United States Army Europe and Seventh Army
- Chief of Staff, U.S. Army Human Resources Command
- C-1, Combined Joint Task Force-7, OPERATION IRAQI FREEDOM
- G-5, V Corps, OPERATION IRAQI FREEDOM
- G-1/AG, V Corps, United States Army Europe and Seventh Army
- G-1/AG, 1st Armored Division, United States Army Europe and Seventh Army
- Commander, 38th Personnel Services Battalion, United States Army Europe and Seventh Army, Germany and OPERATION ALLIED FORCE and ALLIED HARBOR, Albania
- Assistant to the Director of the Army Staff, Office of the Chief of Staff, Army
- G-1/AG, 2d Infantry Division, Eighth United States Army

Brigadier General MacEwen has deployed in support of Operation Desert Shield and Desert Storm, Intrinsic Action, Task Force Hawk, Operation Allied Force and JTF Shining Hope, Operation Allied Harbor in Albania and Operation Iraqi Freedom.

His awards and decorations include the Distinguished Service Medal, the Legion of Merit (3 OLC), the Bronze Star (1 OLC), the Defense Meritorious Service Medal (2 OLC), the Meritorious Service Medal (6 OLC), the Joint Service Commendation Medal, the Army Commendation Medal (2 OLC), the Department of the Army Staff Identification Badge, and the Combat Action Badge.

STATEMENT OF
BRAD FLOHR
SENIOR ADVISOR FOR COMPENSATION SERVICE VETERANS BENEFITS ADMINISTRATION
U.S. DEPARTMENT OF VETERANS AFFAIRS
BEFORE THE
OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE
OF THE HOUSE ARMED SERVICES COMMITTEE
June 24, 2014

Chairman Heck, Ranking Member Tsongas, and Subcommittee Members, thank you for the opportunity to provide an update on the Department of Veterans Affairs' (VA) administration of the Filipino Veterans Equity Compensation (FVEC) fund.

Overview

To remedy what some saw as an injustice caused by the limited VA benefits available to Filipino World War II Veterans, Congress established the FVEC Fund through the enactment of The American Recovery and Reinvestment Act of 2009 (Recovery Act). The FVEC provision authorized a one-time payment of $15,000 for qualified U.S. citizens and $9,000 for qualified non-U.S. citizens who filed within the one-year filing deadline. To qualify for the FVEC payment, an individual must have served before July 1, 1946, in the Philippine Commonwealth Army, including recognized guerrillas, or in the New Philippine Scouts. In determining whether claimants are eligible for any VA benefit, including FVEC, VA must have verification from the U.S. military service department as to whether the claimant has qualifying service in accordance with 38 C.F.R. § 3.203.

Less than two months after the law was passed, VA established an adjudication process, payment system, accounting system, and payment delivery

system to successfully issue the first FVEC payment on April 8, 2009. VA conducted numerous successful outreach programs to inform Veterans and their families about this benefit. This outreach continued until February 16, 2010, the end of the filing period. VA's Manila RO established a dedicated team of employees who solely processed FVEC claims. The Manila RO also sent letters to all Veterans found eligible for the FVEC benefit advising them of their potential eligibility for VA disability compensation benefits. Numerous Filipino World War II Veterans have subsequently been found eligible for recurring monthly disability compensation payments.

Update on Disposition of Claims Received

The Manila RO received 42,755 claims for FVEC between February 2009 and February 2010. As of June 1, 2014, of the 42,755 claims received, the Manila RO granted 18,900 FVEC payments, totaling $225,341,204. Currently there are 23,855 FVEC claims that have not been granted due to ineligibility. All original claims for FVEC have received a decision, but there are currently 19 reopened claims for FVEC and 31 appeals pending with VBA. Approximately 48 appeals of FVEC decisions are pending with the Board of Veterans' Appeals, and another 16 appeals are before the United States Court of Appeals for Veterans Claims. If all individuals with reopened claims or pending appeals are found to be eligible for the FVEC payment, the Manila Regional Office would pay additional funds of approximately $1.7 million out of the FVEC fund. This assumes that all reopened and appealed claims, if granted, would be granted the maximum $15,000. In addition, $14.5 million has been returned to the Treasury for returned checks, which result when a Veteran dies without a surviving spouse claimant. A total of $53.9 million remains in the FVEC appropriation.

The primary reason for denial of claims was the inability of these individuals to establish qualifying service required by section 1002(d) of the Recovery Act. The denied claimants included individuals from all walks of life,

who exercised their right to make an application to VA. They included children, grandchildren, and other family members of alleged Veterans, widows of long-deceased alleged Veterans, and thousands of duplicate claims.

In October 2012, the White House Initiative on Asian Americans and Pacific Islanders, in collaboration with the Office of Management and Budget and the Domestic Policy Council, created the Filipino Veterans Equity Compensation Fund Interagency Working Group (IWG) comprised of the Department of Veterans Affairs, the Department of Defense, and the National Archives and Record Administration to address the concerns of Filipino Veterans who believe that their claims were improperly denied, or that they did not receive a satisfactory explanation as to why their claims were denied.

The IWG's goal was to increase transparency and accelerate processing of claims within the existing framework. Some highlights of the IWG's efforts include:

- VA created a special team dedicated to FVEC appeals and obtained copies of certain Philippine Army documents from the Adjutant General of the Philippines.
- The Army developed more detailed response letters for requests for service determination that explain why an application was denied.
- NARA decreased the response time for service determination requests to 10 days or less.

Process for Verifying/Determining Service

In determining whether a claimant is eligible for a VA benefit, including FVEC, VA is legally bound under its regulations by military service department determinations as to service [38 C.F.R. § 3.203(a), (c)]. Currently, unless VA has a genuine document issued by a U.S. military service department containing needed information to establish eligibility, VA regulations, applicable to all

claimants, require that VA request verification of military service from the appropriate military service department. For claims based on Philippine Service in World War II, the U.S. Army is the relevant military service department. VA requests verification from the National Personnel Records Center (NPRC) which, since 1998, has acted as the custodian of the U.S. Army's collection of Philippine Army and guerrilla records.

This concludes my testimony, Mr. Chairman. I would be happy to address any questions you or the other Members of the Subcommittee may have.

Bradley B. Flohr
Veterans Benefits Administration
Compensation and Pension Service

Bradley Flohr is the Senior Advisor in the Veterans Benefits Administration's Compensation Service. As Senior Advisor, he provides legal and technical guidance to Compensation Service leadership. He interacts as needed with management of VBA's 56 regional offices; the Office of the General Counsel; Board of Veterans' Appeals; and the Appeals Management Center. Mr. Flohr has testified before House and Senate Committees and attends numerous briefs with Congressional Staff. Mr. Flohr also serves as VA representative on the Veterans Advisory Board on Dose Reconstruction and works with the Veterans Health Administration and the Department of Defense on deployment-related health issues.

Mr. Flohr has held a number of positions in his VA career that began in July 1975 as an adjudicator in the Washington DC Regional Office. After ten years as a disability rating specialist, Mr. Flohr moved to Central Office as a consultant with the Compensation and Pension Service's Advisory Review Staff. He has also served on the Service's Executive Review and Judicial Review Staffs. He has served as Chief of the Judicial and Advisory Review Staff and, prior to his current position, was the Assistant Director for Policy, with responsibility for reviewing and drafting legislation and legislative proposals; drafting new regulations, and revising existing regulations in Title 38, Code of Federal Regulations; and reviewing and making necessary policy and procedural changes based on precedent opinions of Federal Courts. Throughout his career, Mr. Flohr has been extensively involved in training regional office rating specialists, decision review officers, and management. He has also conducted training for new attorneys of the General Counsel and the Board of Veterans Appeals and for national and state Veterans service organizations.

Mr. Flohr was born in Wabash, Indiana. He is an Air Force Veteran who attended Purdue University, Syracuse University, and George Mason University. He currently resides with his wife, Cheryl, in Catonsville, Maryland.

TESTIMONY OF SCOTT LEVINS

DIRECTOR, NATIONAL PERSONNEL RECORDS CENTER

BEFORE THE SUBCOMITTEE ON OVERSIGHT AND INVESTIGATIONS,

HOUSE COMMITTEE ON ARMED SERVICES

ON

FILIPINO VETERANS EQUITY COMPENSATION FUND: EXAMINING THE DEPARTMENT OF DEFENSE AND INTERAGENCY PROCESS FOR VERIFYING ELIGIBILITY

JUNE 24, 2014

Good afternoon Chairman Heck, Ranking Member Tsongas, and members of the Subcommittee. Thank you for calling this hearing and for your continuing efforts to recognize the extraordinary contributions of Filipino veterans, including those who served in guerrilla units, for the service they provided in support of the United States during World War II. I am proud to represent the staff of the National Personnel Records Center (NPRC or Center), many of whom are veterans themselves, and pleased to appear before you today to discuss the work that the Center does to serve those who have served. We appreciate your interest in this important work.

The NPRC is an office of the National Archives and Records Administration (NARA). Located in multiple facilities in the St. Louis, Missouri area, the Center stores and services over 4 million cubic feet of military and civilian personnel, medical and related records dating back to the Spanish-American War.

History of NPRC's Military Records Program

In the mid 1950s, the Department of Defense (DoD) constructed the Military Personnel Records Center in Overland, Missouri. In the years that followed, military personnel, medical, and organizational records of each military service department were relocated to this facility. In 1960, the Center's functions were consolidated and transferred to the General Services Administration, to be managed by NARA's predecessor agency, the National Archives and Records Service (NARS), as a single program, leveraging economies of scale to improve efficiency and offering a central point of access for military service records.

In spring 2011, NPRC's military records facility began a relocation into a new building designed to meet updated facility standards for storing permanent Federal records. The facility is located in North St. Louis County, approximately 15 miles from the Overland location. The relocation of records into the new facility was completed in 2012.

NPRC holds approximately 60 million official military personnel files. Its holdings also include service treatment records, clinical records from military medical treatment facilities, auxiliary records such as pay vouchers and service name indexes, and organizational records such as morning reports and unit rosters. NPRC stores these records in both textual and micrographic formats.

NPRC's military records facility receives approximately 4,000 correspondence requests each day from veterans, their next of kin, various Federal agencies, members of Congress, the media, and other stakeholders. Nearly half of these requests come from veterans seeking a copy of their separation statement (the DD-214) because they need it to pursue a benefit. The Center responds to 90% of these types of requests in ten business days or less.

In addition to the correspondence work discussed above, the Center normally receives between 5,000 and 10,000 requests each week from the VA and other Federal agencies requiring the temporary loan of original records. These requests are normally serviced within 2-3 business days.

Philippine Army Records

Included in its holdings are claim folders pertaining to Filipino nationals that were adjudicated by the U.S. Army after World War II, and unit rosters created by the U.S. Army in conjunction with its post-war recognition program. In 1998 NARA entered into an agreement with the Department of the Army to accept the physical transfer of these records though they remain in the legal custody of the Department of the Army. Also as part of the agreement, beginning in FY 1999, NPRC has assumed the responsibility for referencing these records consistent with procedures previously established by the Army. In doing so, NPRC reviews its holdings to authenticate service determinations previously made by the Department of the Army. NPRC does this by examining claim folders, finding aids, and a variety of rosters compiled by the Army during its post-war recognition program. Most often, this is done in response to requests from the Department of Veterans Affairs regarding compensation claims. Recognizing the urgency of these requests, NPRC strives to respond to these requests in ten business days or less.

The technical instructions applied by NPRC technicians in referencing these records and responding to such requests have been furnished to the American Coalition for Filipino Veterans and has been posted online for public viewing at http://www.archives.gov/st-louis/military-personnel/memo-1865125.html. The instructions are consistent with the longstanding policies and practices of the Department of the Army and were applied by Army staff prior to the transfer of the reference function to NPRC. On multiple occasions since the establishment of the Filipino Veterans Equity Compensation Fund, officials from the Department of the Army have visited NPRC, reviewed its technical instructions, examined its work process, and confirmed that NPRC

was providing reference services consistent with the long established policies and practices of the Department of the Army.

NARA has also preserved records of historical value documenting events that transpired in the Philippines during and after World War II. Included are records describing actions taken by the U.S. Army to recognize the service of Filipino nationals who supported the United States Army Forces in the Far East, including those who served in guerrilla units. These records are available for public review at the National Archives building in College Park, Maryland.

Conclusion

NARA is pleased to work with the Subcommittee and other stakeholders to ensure Filipino veterans, including those who served in recognized guerrilla units, are recognized for their extraordinary service in support of the United States during World War II. We have briefed interested congressional staff and other stakeholders on NARA's role in this process, we actively participated in an Interagency Working Group established by the White House to analyze the process, and we have shared information with Filipino veterans advocacy groups to help provide greater understanding of the reference process we employ to authenticate service determinations made by the Department of the Army. Working with the Department of the Army, we modified our response letters to provide more specific details regarding our reference results in instances where we are unable to positively authenticate a prior service determination, and, at the suggestion of the White House Interagency Working Group, we digitized and posted online a report titled, "U.S. Army Recognition Program of Philippine Guerrillas." This report, which can be found at http://research.archives.gov/description/6921767, explains how the recognition process was developed at the close of World War II.

We again extend our thanks to the Subcommittee for expressing such great interest in the role that NPRC provides in this important process. I am happy to answer any questions you may have.

Scott Levins
Director of the National Personnel Records Center

Scott Levins was appointed the Director of the National Personnel Records Center (NPRC), effective July 3, 2011, bringing to the position over 20 years of experience at the National Archives. Prior to this appointment, Mr. Levins served as the Assistant Director for Military Records at NPRC and worked on space and facility matters in the Central Office of Regional Records Services, helping with the transition of the FRC Program to a fully reimbursable operation. He also was the Coordinator of Records Center Operations at the Pittsfield Federal Records Center and held Management Analyst positions in the Central Office of Federal Records Centers and at the Washington National Records Center.

Mr. Levins holds an undergraduate degree in Business Administration from Saint Xavier University in Chicago and a Masters in Business Administration from the University of Massachusetts.

CELESTINO G. ALMEDA **Volunteer Spokesman**
AMERICAN COALITION FOR FILIPINO VETERANS
Mobile Phone: 703-628-2783
E-mail: **usfilipinoveterans@gmail.com**

June 24, 2014
Chairman Joe Heck
House Armed Services Subcommittee on Oversight & Investigation
Rayburn House Office Bldg.
Washington DC 20515

WITNESS STATEMENT
Eligibility for Filipino Veterans Equity Compensation
"Why am I being denied recognition by the V.A. & the U.S. Army?"

Good afternoon Mr. Chairman and members of the committee.

My name is CELESTINO ALMEDA , a 97-year-old Filipino American World War II veteran. I am the spokesman of the American Coalition for Filipino Veterans advocacy national organization. I reside in Gaithersburg, Maryland.

I have walked the halls of the U.S. Congress with a few dedicated veterans and volunteers over the past 15 years. We seek justice, honor, recognition and equitable benefits for my comrades and their dependents.

In years past, we have joined Senators Daniel Inouye and Daniel Akaka as well as Congress members Ben Gilman, Bob Filner, Mike Honda, Darrell Issa and Nancy Pelosi in countless hearings to pass several bills. In addition, we have been arrested in front of the White House to get the attention of President George W. Bush. Happily, we won the support of President Bush for our equity bills in Congress - beginning with the VA Healthcare law for Filipino veterans in 2003.

Thus, it is my honor to testify before your committee on the eligibility problems my comrades and I faced when we applied for the Filipino Veterans Equity Compensation benefit.

Allow me to use my case as an unfortunate example. The V.A. Department and the U.S. Army have repeatedly denied my requests for official recognition and my application for the Filipino veterans equity $15,000 veterans benefit.

Allow me to tell my story. I was a vocational industrial arts instructor in a high school in the Philippines before the World War II. The Philippines was then a Commonwealth territory of the United States. I was a U.S. national who pledged allegiance to America.

In anticipation of hostilities with Imperial Japan, President Franklin Roosevelt ordered on July 26, 1941 the Philippine Commonwealth Army into the service of the Armed Forces of the United States, later named "USAFFE" or U.S. Army Forces in the Far East.

When the war started, I was in the R.O.T.C. Reserve Officers Training Corp. thus I was inducted into the active duty in December 1941 in the Anti-sabotage regiment of the U.S. Philippine Commonwealth Army Forces.

After the fall of Bataan and Corregidor, I joined the Filipino guerrillas. When the war was about to end, I reported for processing at Camp Murphy and was mustered out and given my discharge papers by the U.S. Philippine Commonwealth Army Personnel on April 2, 1946 with ASN number 0-34642 by US Army Lieutenant John B. Staples, Summary Court Officer. Later, I returned to military control and was assigned to the Construction Corps of the Philippines, a U.S. Army Corps.

I have meticulously kept service records of my USAFFE Philippine Army special orders in 1941, 1942, 1945 and 1946 from my Philippine Army and American officers and with payments records from the Philippine Commonwealth Army Headquarters.

I used these documents as evidence when I applied for U.S. naturalization based on my USAFFE military service under the 1990 immigration law.

The Immigration Service queried the Army's National Personnel Records Center known as NPRC in St. Louis Missouri. Unfortunately for me, NPRC responded negatively and stated my name was not in their NPRC archives and did not have records of my USAFFE service.

I contested this NPRC decision with a help of a prominent immigration lawyer in Los Angeles and the USAFFE documents I had. After appealing to the immigration court, I was informed by my lawyer that I was eligible to become a U.S. citizen. I was sworn in 1996 as an American.

In 2003 after President George W. Bush signed the Health Care for Filipino Veterans law (P.L. 108-170), I applied for a V.A. hospitalization identification card in

Washington DC based on personal copies of my USAFFE records. I received this V.A. Universal Access card. Let me show it to you.

In 2009, when the Filipino Veterans Equity Compensation law was implemented, I immediately applied. In 2010 and in April 2011, the VA denied my application because the NPRC did not certify my World War II service. The NPRC letters stated, "In order to establish service, his [my] name must appear in our archives and his claim folder must contain information compatible with the archives. These two requirements must be met before a positive determination can be made."

After another search of archives, the NPRC results also came up negative. I filed a Notice of Disagreement and pursued my claim with VA's Board of Appeals.

In March 2012 in preparation for my hearing at the Board of Appeal, Mr. Eric Lachica, the executive director of our ACFV organization, was able to persuade the NPRC managers to release six-pages of documents in NPRC files to us that NPRC said NEVER existed before.

I was pleasantly surprised to find a copy of my original discharge papers from the USAFFE Philippine Army Adjutant General Office Form 23 dated April 2, 1946 signed by American officer Lt. Staples … and another crucial document that I have not seen before.

It was a copy of the U.S. Army Forces Recovered Personnel Division Headquarters form (GSXRP-PA4) titled: "Determination of Status of Individual under Missing Persons Act" with my name on top. It stated "Subject individual was a member of the Philippine Army ordered into the service of the Armed Forces of the United States."

It also had a handwritten note about a check issued to me in the amount Php 6,878.64 (Pesos) dated May 1, 1948 for my accumulated back pay for my time served in the USAFFE.

Why the NPRC and the Army did not disclose to me the existence of my records in their archives after repeated requests from me since the 1990s is beyond my understanding.

Mr. Lachica in his testimony may provide a credible explanation why this unjust situation happened to me – a Filipino American veteran.

INCREDIBLY - despite this crucial US Army Recovered Personnel document provided by NPRC, the VA Board of Appeal decided on February 27, 2013 to deny my FVEC application based on a faulty legal opinion of their V.A. general counsel.

I have elevated my disagreement with the V.A. to the U.S. Court of Appeals for Veterans Claims (CAVC). I am waiting for their decision.

I truly believe I have satisfied the provisions of the law by filing my claim within the one year period from the enactment of the law. I have complied with all the requirements for payment that are documents were issued by a US military service department that contain the needed information as to length, time and character of my service, and that my documents are genuine and contain accurate information.

I have submitted to the V.A. the following key documents about my service:

1. USAFFE PH Adjutant General Office Form 23, Affidavit for Philippine Military Personnel signed by American officer Lt. John Staples dated April 2, 1946,
2. Officers and warrant officers qualification card from my files,
3. U.S. War Department Form 336 – Revised Pay and Allowance Account,
4. Affidavits from my USAFFE comrades who attest to my service, and
5. U.S. Army Forces Recovered Personnel Division (PHILRYCOM) document of my Missing Person status and USAFFE service by provided by NPRC on March 19, 2012.

In closing, I stand to challenge any U.S. government agency or private institution with expertise regarding this matter to declare my documents fraudulent. I am willing to be punished to the full extent of the law.

I look forward to answer your questions. Forgive me if I cannot hear you well, I am not as young as I want to be.

Mr. Chairman, Thank you again for this opportunity to speak before your committee.

----------End----------

MR. CELESTINO ALMEDA, 93, is a retired instructor. He does NOT receive any Federal contracts. He does NOT work for any Federal contractors.

CELESTINO G. ALMEDA **Volunteer Spokesman**
AMERICAN COALITION FOR FILIPINO VETERANS
111 PENBROOKE VIEW, Gaithersburg MD 20877
Mobile Phone: 703-628-2783 Home: 240-246-1590
E-mail: **usfilipinoveterans@gmail.com**

COALITION SPOKESMAN:

- A 97 year-old Filipino American World War II veteran who was denied official recognition by the US Army and the Veterans Affairs Department officials. Almeda has US Army official discharge papers and was paid for his World War II Philippine Commonwealth Army USAFFE service by American military officers.
- Represented the American Coalition for Filipino Veterans Inc., a non-profit membership advocacy organization, before public officials and news media. ACFV is supported by members and donors. It does not receive any Federal or State grants
- Assisted in the campaign for the passage of five bills in Congress providing more than $300 Million in benefits. . (http://usfilvets.tripod.com)

ACCOMPLISHMENTS:

- Lobbied the White House, Veterans Affairs and Defense Department officials and Congress members and news media on behalf of the American Coalition for Filipino Veterans. Almeda's efforts led to the passage of the "Filipino Veteran Equity Compensation" law in February 2009. Public Law 111-5 Title X Sec. 1002. It recognized the U.S. military "active service" of Filipino WWII veterans. It provided each of them with one-time payments of $15,000 for U.S. citizens ($9,000 for Filipino citizens). $265 Million total budget.
- Advocated as a volunteer in the campaign that passed the "Filipino Veterans Benefit Improvement Act," provided war-injury compensation (P.L. 106-377 Sec. 501) and burial benefits in 2000. Budget: $6 Million/yr.
- Assisted in campaign that passed the "Health Care for Filipino Veterans" bill, (now P.L. 108-170). Signed into law by President Bush in 2003. Budget: $16 Million yearly for US-based Filipino veterans.
- Advocated successfully for the restoration of the annual $1,000,000 US Government medical Grant-in-Aid to the Philippine Government's Veterans Medical Center in 2002 to 2005.

EDUCATION:

- Philippine School of Arts in Machine Shop Teachers Curriculum 1939.
- Philippine Army Training in Canlubang, Laguna, Philippines in Reserve Officers Service School ROTC 1940.
- University of Santo Thomas BSIE Major in Vocational Education PH 1947.

PROFESSIONAL EXPERIENCE:

- Industrial Arts Teacher Rizal Elementary School, Philippines, 1940.
- Vocational Teacher Arellano High School, PH, 1941.
- Machine Shop Instructor Rodriguez Vocational High School PH, 1952.
- Training Instructor for Metal Trades GS-7, United States Naval Base, Subic Bay, Olangapo Zambales 1959.
- Assistant Manager for US Army Vietnam Regional Exchange in Tuy Hoa, South Vietnam 1970.
- Skills Development Officer PH National Manpower & Youth Council in Taguig, Rizal, PH, 1984.

RECOGNITION & AWARDS:

- The White House Veterans' Day Breakfast guest of Vice-President Biden, Nov. 11, 2010.

DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

Witness name: CELESTINO ALMEDA

Capacity in which appearing: (check one)

✓ Individual

___ Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014): NONE;
Fiscal year 2013: ;
Fiscal year 2012: ;

Federal agencies with which federal contracts are held:

Current fiscal year (2014): NONE;
Fiscal year 2013: ;
Fiscal year 2012: ;

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014): NONE;
Fiscal year 2013: ;
Fiscal year 2012: ;

Aggregate dollar value of federal contracts held:

Current fiscal year (2014): NONE;
Fiscal year 2013: ;
Fiscal year 2012: ;

ALMEDA

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

Federal agencies with which federal grants are held:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

Aggregate dollar value of federal grants held:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

ALMEDA

Jesse BALTAZAR, **Veteran**
AMERICAN COALITION FOR FILIPINO VETERANS
Falls Church, VA 22043
Mobile Phone: 571-335-2898
E-mail: **jemabalt@gmail.com**

June 24, 2014

Chairman Joe Heck
House Armed Services Subcommittee on Oversight & Investigation
Rayburn House Office Bldg.
Washington DC 20515

WITNESS STATEMENT
Eligibility for Filipino Veterans Equity Compensation
"How was I recognized and why many of my comrades are being denied?"

Good afternoon Mr. Chairman and members of the committee.

My name is JESSE BALTAZAR, a 93-year-old Filipino American World War II veteran. I am volunteer member of the American Coalition for Filipino Veterans advocacy national organization. I reside in Falls Church, Virginia, Maryland. I still work for the U.S. State Department as a security consultant.

On behalf of my comrades who are not here today, may I thank you for inviting me to give my views and recommend solutions to this eligibility problems of thousands of surviving Filipino WWII veterans.

I am here to support my friend Mr. CELESTINO ALMEDA in his fight for official recognition from the U.S. Army and the V.A. I have known Mr. Almeda for the past decade and worked with him in our veterans coalition

First, I would like to introduce myself. I am a retired Air Force Major. I have the distinct honor of being the first native born Filipino to be commissioned in the United States air force. I was born in Manila, Philippines.

When World War II started in December 8, 1941, I was sitting in a classroom in Manila. A radio announcement blasted out: "Pearl Harbor was attacked by Japanese

planes. All my classmates went home. I stayed and was inducted into the United States Armed Forces in the Far East (USAFFE)

I fought in the Battle of Bataan in 1942. I became a prisoner of war of the Japanese when the Americans surrendered on April 9, 1942.

I was wounded and injured during combat. I suffered brutality, starvation, ad diseases at the hands of the Japanese soldiers during the Infamous Bataan Death March. With the help of Filipino fishermen who smuggled me and a comrade at night through mosquito infested swamps, I managed to escape.

When Bataan fell, some 80,000 Filipino and Americans walked the Infamous Bataan Death March. I was one of them. I consider myself lucky to be here today speaking to you. I witnessed and experience terrible things no human being should ever have to go through. In this shameful treatment of us, POW's, as well as the 10,000 civilian men, women and children who lost their lives.

The Philippines was the only country in Southeast Asia which mounted resistance against the Imperial Japanese Forces during WWII. Some 120,000 Philippine commonwealth Army soldiers with resistance units fought valiantly along-side allied Forces. Doubtless we served as courageously as our American counterparts. Our contributions helped disrupt the Japanese timetable in 1942, at a point when the Japanese were expanding unchecked through the Western Pacific.

To be sure, without Filipino troops and guerrilla resistance units that continued to fight long after the fall of Bataan, the liberation of the Philippine Islands would have taken much longer, it would have resulted in greater American casualties and heavier financial burden on the U.S.

I was outraged that we were not treated right. During the war, we served under the U.S. flag as USAFFE soldiers. However, in February 1946, the U.S. Congress passed the Rescission Act that deemed our military service as "NOT ACTIVE" for the purposes of veterans benefits. A great many of my Filipino comrades living in the Philippines who fought courageously and suffered war-related injuries and illnesses receive HALF benefits, compared with those American G.I.s who fought beside them.

I am truly sorry that my Filipino comrades like Mr. Almeda have not received their rightful equity compensation to this day.

2

I am not ungrateful. I have offered my life in the other two wars: the Korean War and the Vietnam War.

I am grateful that America, as a beacon of freedom and justice, has endeavored to address this issue over the years. I am grateful that I am one the few remaining survivors of the Bataan Death March. I love this country and thankful for all the things it has done for me and my family. Despite my age I am ready to serve again at a moment's notice.

I believe in democracy. I personally have never experienced discrimination. I believe in America, which has always stood on the right side of history and sought to address omissions of the past. I love this country.

The injustice done to Filipino fighters after 1946 in a war that we won motivated me to write a book about what we experienced. I lost my older and younger brother during that war.

I am proud that my two sons, Melchior and Thomas who are former decorated officers in the US Navy and in US Army respectively, are here with me today.

For my WWII service as a Philippine Commonwealth Army soldier, I was awarded the $15,000 Filipino Veterans Equity Compensation in April 2010.

However, I was initially DENIED a year earlier, on March 3, 2009, by the U.S. Department of Veterans Affairs when they said the National Personnel Records Center could not find my name or service records in their files or archives.

The NPRC denial letter stated: "In order to establish service, his [my] name must appear in our archives and his claim folder must contain information compatible with the archives. These two requirements must be met before a positive determination can be made."

It was only after I found and produced the following seven (7) records in my possession that I was able to persuade the N.P.R.C. to recognize my USAFFE service:

1. Philippine Army discharge document dated 24 May 1946;

2. Army of the United States Honorable Discharge certificate, dated 12 December 1946;

3. Report of physical examination of enlisted personnel prior to discharge, and release from active duty, December 1946;

4. Verification of a military retiree's service in non-wartime campaigns or expeditions, dated January 30, 1975.

5. Report of Medical Examination, dated 23 February 1966;

6. Report of medical Examination dated, 23 April 1962;

7. Affidavit for Philippine army personnel, dated 21 May 1946.

MY CONCLUSION: the NPRC Archives of the USAFFE Philippine Commonwealth Army and of Recognized Filipino Guerrillas in St. Louis Missouri are NOT COMPLETE or NOT ACCURATE in determining U.S. military service.

Thus, Mr. Chairman, I respectfully request your Committee to DIRECT the V.A. Secretary, in cooperation with the US Army Secretary, to recognize the deserving Filipino veterans out of the remaining 4,500 claimants who have appealed their V.A. equity compensation denials. The U.S. military service of these elderly claimants should be individually recognized if they meet the following conditions:

1. Philippine Commonwealth Army discharge document which are certified authentic by the Philippine Government Veterans Affairs Administrator or their Adjutant General Office; OR,
2. Filipino Guerrilla service documents when their names are on Recognized Roster agreed to in 1948 by the U.S. Army with proof of their identity as certified by the Philippine Government's Veterans Affairs Administrator or the Philippine Army Adjutant General Office; AND,
3. No derogatory information such as disloyalty to the United States or fraud from the Philippine Army's Adjutant General or the U.S. Army's Adjutant General.

Mr. Chairman, Thank you again for this opportunity to speak before your committee. I look forward to answer your questions.

----------Jesse Baltazar----------

Witness Jesse Baltazar does not receive Federal contracts, grants, subcontracts or subgrants. See disclosure forms attached.

JESSE M. BALTAZAR, USAF (RET)
Tel (703) 734-1278

I walked the infamous Bataan Death March in the Pacific theater of operations during World War II. My rank was staff sergeant in the 71st Battalion of the United States Army Forces in the Far East (USAFFE), under General Douglas MacArthur.

I was captured while trying to make my escape from a US emergency clinic. I had to walk with the aid of a bamboo stick, which I used as a cane. I was wounded when I got hit on my left leg by shrapnel from a bomb during a Japanese air raid in our camp in the Bataan jungle.

CURRENT BACKGROUND

NOV. 1, 2013:
"After 71 years of working to be recognized for my wounds received during the Battle of Bataan, with help from Senator Warner, I have finally received word that the Department of the Army has awarded me the Purple Heart."

BRIEF BIOGRAPHY OF JESSE M. BALTAZAR, USAF (RET)

Jesse M. Baltazar, a retired major of the United States Air Force, is a multi-awarded veteran of three wars: World War II, the Korean War and the Vietnam War. For his gallantry during WWII, he was awarded the Bronze Star and Purple Heart medals.

Other awards and decorations he has received include the WWII Victory Medal, the P.O.W. Medal, the American Defense Service Medal, WWII Theater Campaign, (Pacific), the Korean Service Medal, the Vietnam Service Medal, the UN Service Medal, the Philippine Presidential Unit Citation, and the Korean Presidential Unit Citation.

Born in Manila, Philippines, Baltazar began his military career in 1941 with the United States Army Forces in the Far East (USAFFE). He was a Prisoner of War (P.O.W.) and a survivor of the infamous death march.

After the war, he went to the United States to continue his military career. In 1948 he was commissioned as second lieutenant in the United States Air Force, the first American of Filipino ancestry to earn this distinction. He served in the U.S Air Force for twenty years, assigned primarily overseas with the Office of Special Investigations (OSI). In 1950-51, he served in Korea with the U.S. Air Force Office of Special Investigations (OSI). As a special agent, he wrote the monthly Counter-Intelligence Report for Korea, Germany and France. He served as a Russian interrogator in Korea and Berlin, Germany, interviewing refugees and defectors.

After retirement from the military, he joined the U.S. State Department, where he has worked for over four decades, starting in 1966 and continuing to the present as a consultant. He began in Vietnam as Deputy Provincial Advisor.

Baltazar is frequently invited as a speaker and a panelist across the U.S., including in Asian Pacific American forums held in New Orleans, Cincinnati in Ohio, at the International Monetary Fund, George Washington University, the Philippine Embassy in Washington, D.C. and U.S. high school Oral History Clubs.

He graduated from Georgetown University in 1955 with a B.S. degree in languages and linguistics. In 1979, he received his Master's degree in education from the University of Virginia. He took post-graduate courses in Georgetown University.

He is married to Margrit, with whom he has five children and nine grandchildren. He lives in the United States in Falls Church, Virginia.

DISCLOSURE FORM FOR WITNESSES
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Witness name: Jesse M. Baltazar Jesse M Baltazar

: (check one _x__Individual

___Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NWR			

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NWR			

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
None			

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014): N A;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

Federal agencies with which federal contracts are held:

Current fiscal year (2014): N A;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014): N A;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

Aggregate dollar value of federal contracts held:

Current fiscal year (2014): N A;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

Eric Lachica, volunteer Executive Director
American Coalition for Filipino Veterans, Inc.
867 North Madison St. Arlington VA 22205
Phone: 202 246-1998 E-mail: usfilipinoveterans@gmail.com
Web: usfilvets.tripod.com

June 24, 2014 Hearing

Chairman Joe Heck
House Armed Services Subcommittee on Oversight & Investigation
2212 Rayburn House Office Bldg.
Washington DC 20515

WITNESS WRITTEN STATEMENT:

Denials of Filipino Veterans Equity Compensation Eligibility

Based on VA Secretary's Sole Reliance on NPRC - US Army Determination & Dealing with Corruption in 1946-48

Good afternoon Chairman Heck, Ranking Member Tsongas and Members of the Committee.

My name is Eric Lachica, volunteer executive director of the American Coalition for Filipino Veterans, a national nonprofit advocacy organization that was founded in 1995. We are based in Arlington Virginia.

Over the past two decades, our coalition has lobbied Congress with our champions Senators Daniel Inouye and Daniel Akaka and their colleagues in the House like Representatives Benjamin Gilman, Bob Filner and Darrel Issa and with sympathetic White House staff under the Clinton, Bush and Obama Administrations. Our goal is win full official recognition and equitable benefits for our WWII veterans.

We with our allies: the VFW, American Legion, D.A.V. and community partners the National Federation for Filipino American Association, won veterans' burial benefits in 2000, full war-related disability compensation in 2001 and the V.A. health care in 2003, and Filipino Veterans Equity Compensation in 2009.

Over the past decade, our veteran leaders, Mr. Celestino ALMEDA, 97, and Maj. Jesse BALTAZAR, 93, despite their advanced age, have tirelessly advocated for the interests of their comrades who are not here today. Several of their widows, sons and daughters, and friends of our fallen veterans are here.

On the eligibility issue at hand, there are 4,552 Filipino veterans who disagreed with their denial of their applications for the Filipino Veterans Equity

Compensation. They or their surviving spouses continue to appeal for justice under the spirit and letter of the F.V.E.C. law. Our coalition deeply appreciates the generosity of the American People and Congress in appropriating $265 million for the FVEC fund for our heroes who fought in the U.S. territory of Philippines.

There are THREE major problems with Filipino veteran eligibility determination process:

FIRST: The VA Secretary relies solely on the determination of the National Personnel Record Center as the custodian of U.S. military records "to establish service" for the eligibility for Filipino Veterans Equity Compensation. As pointed out by Mr. Almeda and Maj. Baltazar in their testimonies: NPRC is not infallible. In plain words- NPRC archives are not complete or accurate about their service records.

Mr. Almeda's claim was denied despite the fact he had his name and USAFFE service documents existed in the US Army NPRC's archives since 1946. They were withheld from Almeda. They were released on two years ago. Maj. Baltazar's claim was approved after he provided NPRC with seven documents from his own files.

In 2011 NPRC's letter to Almeda denied the existence of his name and his service records in their "official records and archives." However, in 2012 NPRC faxed him letter "attaching the enclosed documents from Mr. Almeda's claim folder."

SOLUTION: the VA Secretary should be directed to grant FVEC compensation to claimants based on their alternative documents provided by other U.S. official government sources. The certification by the Philippine Government's Veterans Affairs Office and their Philippine Adjutant Office who have Commonwealth Army files should be accepted. This would help bolster the US-PH strategic defense alliance. The proposed bill H.R. 481 of the committee chairman Heck and other similar bills, if passed, can help solve this problem.

As a precedent, t VA Board of Appeals he VA Secretary's decision to deny FVEC benefits to a Filipino WWII guerrilla who are not on the Recognized Roster in St. Louis MO. was overturned by the when the claimant used US Army documents found in the National Archives in College Park Maryland. See In Re Gaudencio P. Pablo No. 10-17 727 (BVA January 31, 2011).

SECOND PROBLEM: The U.S. Army has directed the NPRC's to implement a two requirements to determine USAFFE Philippine Commonwealth Army and Filipino Guerrilla service. NPRC policy states that the Filipino veteran's "name must appear in our archives and his claim folder must contain information compatible with

the archives. These two requirements must be met before a positive determination can be made."

What "compatible" could lead to mistaken and arbitrary decisions by the Archives Technician, the NPRC superiors or their U.S. Army legal counsel like in the cases of Mr. Almeda, Maj. Baltazar, Judge Rafael DePeralta in New York and Major Valentin Ildefonso in Philadelphia.

De Peralta name is on the Recognized Roster of Guerrillas. However he was still denied. He faces an appeal hearing at the end of this month. Ildefonso received full US Air Force military burial honors, and benefits for his widow but, not because of his service as a Filipino veteran. Sadly, he died a few years ago, bitter. His sacrifices during the war as a USAFFE military police officer were ignored. American officers trained him and discharge papers signed by them didn't help.

Mr. Chairman, let me explain how we found out about Mr. Almeda name and his USAFFE service records being in NPRC. We visited in 2011 he managers of NPRC: Mr. Kevin Pratt, assistant manager and Mr. Scott Levins, director of military records who we visited in 2011 in St. Louis MO in regard to Mr. Almeda's claim and several veterans' claims.

I then requested an Armed Services Committee investigation on the arbitrary nature of decision-making of NPRC and the U.S. Army and in withholding vital service documentation in their folders to Mr. Almeda and his Filipino comrades and providing misleading answers. The NPRC emails are attached to my written testimony.

Mr. Chairman, in response to our complaint, U.S. Army on 2 May 2012 released to congressional staff the two-page "Information Paper AHRC-PDR Subject: Records for World War II Filipino Veterans" prepared by LTC Curriera who was the Chief, Army Personnel Records Division, Human Resources Command in Fort Knox KY.

She wrote: "The Philippine Army records in question are classified by NPRC as Philippine military 'organizational records' used to establish identity of Missing Persons Act (MPAP) status regarding Philippine Army personnel and recognized Guerrillas. These records are not Official Military Personnel Files (OMPF), and at **no** time has the U.S. Army produced individual personnel records of OMPF's for Philippine Army Veterans and/or eligible Guerillas." Curreira confirmed, "The NPRC does not have the authority to release organizational or claim records without the appropriate permission." We ask why not? It the veterans records paid taxpayers.

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SOLUTIONS: Direct NPRC to release to the claimant a copy of the contents of his claim folder, if any, within 15 days. There should be no legal reason to prevent an elderly Filipino veteran receiving a reply - unless the US ARMY-NPRC are trying to hide something. The White House Interagency Group recommendation that the Army to cooperate in VA action teams in Manila and assist Filvets there.

Last year, the former Cabinet Secretary AAPI co-chair Chris Lu shared his frustration in trying the get cooperation from the Army for our Filipino veterans.

THIRD, The legacy corruption from the 1945-48 period still haunts our efforts in helping our vets and because of unfamiliarity of our campaign.

The secret "U.S. Army Recognition Program of Philippine Guerrillas" report by the United State Army, declassified in 1988, frankly describes in detail widespread corruption and fraud in the recognition of Filipino Guerrillas who served in the resistance against the Japanese invaders.

The Philippines Government and the Filipino People of 8 million were faced a overwhelming task of rebuilding after a devastating war that killed 60,000 Commonwealth soldiers and guerrillas as well as one million Filipino civilians who died due to war-related starvation and illnesses, according to the State Department.

Sadly, several prominent former American military officers (page 197) were mentioned in the study who were engaged in alleged wholesale recognition of guerrillas. As a result, the US Army revoked almost 40,000 recognized guerrillas who were earlier recognized. According to the study, about 260,000 total claims as guerrilla fighters were finally approved (page 213).

Many deserving patriotic veterans were dropped from the USAFFE rolls why they belonged to a group that was blacklisted. This may be major factor why there still 4,500 remaining claimants today.

We must distinguish between the original Commonwealth Army soldiers approximately 100,000 who were inducted into the USAFFE after the order of Pres. Roosevelt July 26, 1941 until the surrender on May 6, 1942. Mr. Almeda is one of them. His recognition process should have been straight forward.

US ARMY-NPRC STONEWALLING

Let me described what we discovered Sunday about Mr. Almeda. Almeda **was a victim of identity theft in 1948**. He was victim of a fraud. It led to the loss of his recognition appeal - as well as his back pay for his WWII service. This amounted to 6,878 Philippine Pesos or $3,400 in 1948 dollars. Almeda may be one

of hundreds of victims. Why did the US Army and NPRC stonewall or delay many of claimants – denying records that they needed? This is a serious charge our Army and NPRC officials should answer today.

SOLUTION Thus, Mr. Chairman, I respectfully request your Committee to DIRECT the US Army Secretary to cooperate with the VA Secretary in recognizing the deserving Filipino veterans who fought for America – not treat them as suspects – and misleading them until they fade away.

The U.S. military service of these elderly claimants should be individually recognized if they meet the following conditions:

1. Philippine Commonwealth Army discharge document which are certified authentic by the Philippine Government Veterans Affairs Administrator or their Adjutant General Office; OR,
2. Filipino Guerrilla service documents when their names who were on recognized roster before by the U.S. Army with proof of their identity and certified by the Philippine Government's Veterans Affairs Administrator or the Philippine Army Adjutant General Office; AND,
3. No derogatory information such as disloyalty to the United States or fraud from the Philippine Army's Adjutant General or the U.S. Army's Adjutant General.

I am son of a Filipino American WWII veteran. I urge the Committee to send a strong message to the Army, NPRC and VA bureaucrats: No more denials, No delays & No more deaths for our veterans.

On behalf of thousands of our members and supporters through-out the United States and in the Philippines, we deeply appreciate and thank your committee for holding this timely and crucial hearing to find solutions for our heroes.

ERIC LACHICA

ERIC LACHICA Volunteer Executive Director
AMERICAN COALITION FOR FILIPINO VETERANS
867 N. Madison Street, Arlington VA 22205
Phone: 202-246-1998 Home: 301-963-1109
E-mail: **usfilipinoveterans@gmail.com**

ADVOCATE & EXECUTIVE DIRECTOR:

- Managed the American Coalition for Filipino Veterans Inc., a non-profit membership advocacy organization. ACFV does not receive any Federal or State grants. It is supported by members and donors.
- Developed the coalition strategy and managed the national campaign that led to passage of five bills in Congress providing more than $300 Million in benefits. . (http://usfilvets.tripod.com) A registered lobbyist.
- Son of a Filipino American World War II veteran.

RECENT ACCOMPLISHMENTS:

- Organized the American Coalition for Filipino Veterans campaign with U.S. Senate and House sponsors. Led to the passage of the "Filipino Veteran Equity Compensation" law in February 2009. Public Law 111-5 Title X Sec. 1002. It recognized the U.S. military "active service" of Filipino WWII veterans. It provided each of them with one-time payments of $15,000 for U.S. citizens ($9,000 for Filipino citizens). $265 Million total budget.
- Coordinated the campaign that passed House-Senate resolution, H.C.R. 191 "recognizing and honoring" Filipino WWII veterans and arranged President Clinton's proclamation signing ceremony in 1996.
- Managed the successful campaign that led to the passage of the "Special Benefits for WWII Veterans," bill (now Public Law 106-169 Title VIII) for Filipino American veterans to return to their families in the Philippines with their Supplemental Security Income in 1999. Budget: $14 Million yearly.
- Organized the campaign that passed the "Filipino Veterans Benefit Improvement Act," provided war-injury compensation (P.L. 106-377, Sec. 501) and burial benefits in 2000. Budget: $6 Million yearly.
- Directed the campaign that passed the "Health Care for Filipino Veterans" bill, (now P.L. 108-170). Signed into law by President Bush in 2003. Budget: $16 Million yearly for US-based Filipino veterans.
- Lobbied successfully for the "Full Compensation" benefit law (P.L. 108-183) providing VA compensation for war-related illnesses of Filipino Scouts and widows in 2003. Budget: $2.9 Million yearly.
- Advocated successfully for the restoration of the annual $1,000,000 US Government medical Grant-in-Aid to the Philippine Government's Veterans Medical Center in 2002 to 2005.

EDUCATION:

- University of Southern California, Los Angeles, B.A. Political Science graduate 1974.
- California State University at Los Angeles, Masters program International Relations 1986.
- Industrial Areas Foundation, Chicago IL, "Community Organizing with the Faith Community," 1994.

PROFESSIONAL EXPERIENCE:

- Information officer of Philippine President Corazon Aquino, Los Angeles Consulate 1986-87.
- Community Outreach Specialist, U.S. Census Bureau, Los Angeles, 1989-1990.
- Senior Media Specialist, United Way of Los Angeles, 1991-92.
- Regional Manager, Anti-Hunger Coalition of Maryland, Gaithersburg, 1994-96.
- Executive Director of the American Coalition for Filipino Veterans Inc., with more than 4,000 members.
- Partnership Specialist, U.S. Department of Commerce, Census Bureau, 2009 to July 2010.

RECOGNITION & AWARDS:

- The White House State Dinner guest of President George W. Bush, May 19, 2003.
- The White House Veterans' Day Breakfast guest of President Barack Obama, Nov. 11, 2011 & 2012 & 2013.

DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

Witness name: ERIC LACHICA

Capacity in which appearing: (check one)

✓ Individual

___ Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

Federal agencies with which federal contracts are held:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

Aggregate dollar value of federal contracts held:

Current fiscal year (2014): NONE
Fiscal year 2013: _____
Fiscal year 2012: _____

Eric Lachica

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2014): NONE
Fiscal year 2013:
Fiscal year 2012:

Federal agencies with which federal grants are held:

Current fiscal year (2014): NONE
Fiscal year 2013:
Fiscal year 2012:

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2014): NONE
Fiscal year 2013:
Fiscal year 2012:

Aggregate dollar value of federal grants held:

Current fiscal year (2014): NONE
Fiscal year 2013:
Fiscal year 2012:

Eric Sachica

DOCUMENTS SUBMITTED FOR THE RECORD

JUNE 24, 2014

Statement of U.S. Senator Dean Heller before the House Armed Services Committee's Oversight and Investigations Subcommittee on "Filipino Veterans Equity Compensation Fund: Examining the Department of Defense and Interagency Process for Verifying Eligibility" Tuesday, June 24, 2014

Thank you Chairman Heck and Ranking Member Tsongas for holding this hearing today.

Given the recent concerns with accountability over benefits and care provided to our nation's Veterans, I believe it is appropriate that this hearing addresses a concern I share with Chairman Heck—namely the benefits America promised to Filipino Veterans who fought alongside U.S. troops during World War II.

During World War II, Filipino soldiers from the U.S. commonwealth of the Philippines answered President Roosevelt's call to fight under the American flag. Many of these individuals fought bravely, some making the ultimate sacrifice in defense of democracy and freedom.

More than half a century later, our nation made a commitment to honoring them for their service by providing certain benefits.

Today, the Department of Defense is responsible for verifying the service of these individuals before the Department of Veterans Affairs can award them benefits. Unfortunately, some Filipino Veterans are not able to have their service during World War II verified by the Army's National Personnel Records Center (NPRC).

The NPRC only uses evidence that is approved by the U.S. Army and does not have access to a consolidated "Personnel File" for most of the individuals who served in the Philippine Army or guerrilla unit.

There is no doubt that Filipino soldiers served honorably in the Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Philippine Scouts alongside U.S. troops during World War II.

In fact, Las Vegas in my home state of Nevada has a large Filipino population, and a number of Filipinos there are still seeking recognition as Veterans.

A group of Las Vegas Filipino Veterans, the "WWII Mighty Five Nevadans," led the fight for many years to provide proper recognition for Filipino Veterans who were denied benefits and those still with us today continue that fight.

As a member of the Senate Veterans' Affairs Committee, I believe the United States has an obligation to make every effort to ensure individuals who served our nation are properly recognized for their contributions.

Congress not only needs answers from the Department of Defense about the process for verifying eligibility, but also legislative action to ensure there is a robust process available for Filipino Veterans who may not have an approved record with the U.S. Army to verify their service.

That is why I introduced legislation, the Filipino Veterans Promise Act (S. 868), mandating the Department of Defense, in coordination with military historians, establish a process to open the Approved Revised Reconstructed Guerilla Roster of 1948, also known as the "Missouri List," to give Filipinos the opportunity to prove their service during World War II.

I was proud to introduce this legislation because Filipino Veterans deserve a better process to adjudicate their claims than currently exists.

I also want to thank my colleague, Chairman Heck, for his work on this issue, for calling for this important hearing, and for introducing similar legislation to address this injustice.

I think we all can agree that if any person served our country in battle and is not receiving benefits they earned, that would be an outrage. These individuals are a respected part of the Las Vegas community and our nation, and they deserve a fair and complete examination of their record.

Thank you again Chairman Heck and Ranking Member Tsongas. I look forward to working with you and the rest of my colleagues in the Senate to address this issue critical to the Filipino Veteran community.

EMBASSY OF THE PHILIPPINES
Washington, DC USA

June 21, 2014

To: Subcommittee on Oversight and Investigation
Armed Services Committee , US House of Representatives
2212 Rayburn House Office Building

From: Embassy of the Philippines
H.E. Jose L. Cuisia, Jr. – Ambassador
MGen Delfin N. Lorenzana (Ret) – Head, Office of Veterans Affairs

Hearing Title: The Filipino Veterans Equity Compensation (FVEC) Fund: **Examining the Department of Defense and Interagency Process for Verifying Eligibility**

We Support this Hearing.

We have argued since 2011 that there was a need to revisit the Certification Process being done by the National Personnel Records Center (NPRC) in St Louis, MO for the following reasons:

1. The National Personnel Records Center, the agency tasked to certify/verify the military service of Filipino WW2 has denied more than half of those who applied for the one-time lump sum benefit under FVEC: 24,997 out of 45,991 or 54%.

2. Several denied veterans sought our assistance because they believed they may have been denied due to errors in listing their names or have assumed American names. While their appeals were subsequently approved we thought that NPRC have done the certification process in haste without due diligence.

3. Mr. Gaudencio Pablo, also denied, sought the assistance of a Veteran Advocacy Group who researched at the National Archives (NARA) in College Park. They found his name in one of the Guerrilla Units, got a certification to support his appeal with the Board of Veterans Appeal and was subsequently approved.

4. Mr. Jesse Baltazar, a member of the Philippine Commonwealth Army, a Bataan defender and a Purple Heart Awardee was initially denied. Since he could not find any records he submitted his own personal records and was approved.

5. Mr. Celestino Almeda has been denied many times even after he was able to obtain a record of his back-pay payment from the US Army after the war from NPRC itself.

The above examples refute what the US Army said that its record is accurate as stated in the WH Interagency Report: **Recognizing the Extraordinary Contribution of Filipino Veterans** on July 09, 2013. "The Army's service determinations finalized in 1948 were made during a robust effort in the post-World War II era involving hundreds of Army officials working closely with Philippine authorities, guerrilla unit commanders, and individuals and **will not be altered by the United States Army**. The results of their work - the authenticated rosters of recognized guerrilla units and individual letters of recognition - remain the basis for all claims presented and adjudicated by various U.S. government agencies since 1948."

The US Army records were made 66 years ago using technology of that time. Errors were bound to happen. In the post-war euphoria soldiers and guerrillas went home to rebuild their lives. In a war-ravaged land with poor communication many failed to be properly listed. We ask that the Certification Process include all available records, NARA & non-NARA, including those in the Philippines. The Filipino veterans, who devoutly served the American Flag during the war, deserve no less.

Thank you for the opportunity to submit testimony.

Testimony by Major General Antonio Taguba, U.S. Army, Ret.
Before the House Armed Services Oversight and Investigations Subcommittee
Tuesday, June 24, 2014

Mr. Chairman and Members of the Subcommittee:

I am Major General Antonio M. Taguba, U.S. Army Retired. I served on active duty for 34 years. My late father Sergeant First Class Tomas B. Taguba, U.S. Army Retired, was a Philippine Scout in February 1942 and assigned with the 12th Ordnance Company, U.S. Army Forces Far East (USAFFE). He was captured by the Imperial Japanese Army at Bataan and along with thousands of others suffered on the Bataan Death March. For a number of years, he was listed as missing in action. It was later determined that he fought as a guerrilla until he was repatriated in July 1945. He retired from the U.S. Army in June 1962.

My father's wartime experience inspired me to help his fellow veterans who were denied their benefits promised by the U.S. government when they were ordered to defend the United States and Philippines. I have been affiliated with the Filipino World War II Soldiers benefits issue since 1995. I have assisted with the Filipino Veterans Equity issue since 2006 to include advisory support to the Interagency Working Group.

I appreciate the opportunity to submit testimony as your subcommittee examines the Department of Defense and Interagency process for verifying eligibility under the Filipino Veterans Equity Compensation (FVEC) Fund, which was established under the American Recovery and Reinvestment Act of 2009. The Fund provides eligible veterans who are U.S. citizens a one-time payment of $15,000, and eligible veterans who are not U.S. citizens a one-time payment of $9,000. To date, over 18,000 claims have been approved.

In October 2012, the White House Initiative on Asian Americans and Pacific Islanders, in collaboration with the Office of Management and Budget and the Domestic Policy Council created the Filipino Veterans Equity Compensation Fund Interagency Working Group (IWG) comprised of the Department of Veterans Affairs (VA), the Department of Defense (DOD), and the National Archives and Record Administration (NARA). The purpose of the IWG was to address concerns that many Filipino World War II veterans may have been impeded from filing claims or believe their claims were improperly denied. The IWG was tasked with analyzing the process faced by these Filipino veterans in demonstrating eligibility for compensation in order to ensure that all applications receive thorough and fair review. The IWG's efforts provided increased transparency and a thorough

accounting of the process to verify valid military service for Filipino World War II veterans.

The current process for verifying all claims presented and adjudicated by various government agencies is based on authenticated rosters of recognized guerrilla units and individual letters of recognition compiled by the U.S. Army in 1948. A 1988 declassified document entitled, "U.S. Army Recognition Program of Philippine Guerrillas," details the creation of the official Department of the Army Filipino Guerrilla list. The National Personnel Records Center (NPRC) retrieves and authenticates records of prior Army service determinations. The processing procedures to retrieve and authenticate prior Army service determinations can be found in the NPRC Standard Operating Procedures.

As of June 1, there are 4552 cases on appeal that have been submitted by Filipino American World War II veterans. Unfortunately, the verification process needs to be expanded to address the discrepancies in the 1948 official classified Department of the Army Filipino Guerrilla list. These include but not limited to missing service records, and misspelled names of Filipino World War II veterans.

While the U.S. Army has indicated that it does not intend to revise the determinations made 66 years ago, there are on-going efforts to seek legislative relief for these FVEC appeal cases. For example, the IWG in conjunction with the White House Initiative on Asian American Pacific Islanders, Filipino American Veterans of America and Families – Nevada Chapter, the Embassy of the Philippines, the National Federation of Filipino Americans (NaFFAA), KAYA, and the American Coalition of Filipino Veterans continues to have discussions with several Congressional members, senior officials in the Obama Administration, and community members.

On July 19, 2013, Senator Mazie Hirono (HI) proposed an amendment directing the Veterans Board of Appeals to accept alternative documentations from the Philippine Veterans Affairs Office and documents from the Filipino veterans that can be substantiated by the National Archives and Records Administration to determine their service during World War II with or without the veterans names listed on the official Filipino Guerrilla list. Regretfully, Senator Hirono's amendment was not considered. Rather, on July 24, 2013, the Senate Veterans Committee adopted a modified version of S. 868, the Filipino Veterans Promise Act, authored by Senator Dean Heller. The measure now directs the Secretary of the Veterans Administration, the Secretary of Defense, and military historians to review the process used to determine the wartime record service of individuals who served in support of the U.S. Armed Forces during World War II. The measure is now a part

of the Veterans Health and Benefits Improvements Act, which is pending consideration by the U.S. Senate.

I strongly urge your Committee to give consideration to legislation directing the U.S. Army and the Department of the VA to recognize alternative documentation to verify service for payment under the FVEC law. There is precedent for using official U.S. Army documents from the National Archives to prove a veteran's wartime service even if the veteran does not appear on the official guerrilla lists. For example, in a recent decision, the Board of Veterans' Appeals held that U.S. Army documents obtained from the National Archives in College Park, Maryland, detailing the veteran's length, time, and character of service in a recognized guerrilla unit, had greater probative weight than a stamped response from NPRC that reported a negative search of the official guerrilla list. *See In re Gaudencio P. Pablo*, No. 10-27 727 (BVA Jan. 31, 2011) at 5-7 (attached). The Board granted the veteran payment from the FVEC – the first instance, to our knowledge, that official documents from the Philippine Archives Collection at National Archives have augmented the official guerrilla list.

Standardized criteria should be developed to identify documents from the National Archives that prove creditable guerrilla service to qualify veterans for FVEC funds. In addition, to complete a thorough review of Filipino veteran records, the NPRC will require additional trained staff thus requiring additional funding. Their cases are based on proof of wartime service, and not related to any disability compensation.

I also urge the Committee to provide a separate and expedited appeals process by additional trained staff given the advanced age of the average Filipino World War II veteran, and the lengthy two year timeframe of the average appeal for a rejected veterans benefit claim.

Finally, I ask the Committee to provide funds to NARA for the preservation and digitization of the Philippine Archives Collection, which is maintained at their facility in College Park, Maryland. The Collection is an extensive collection of Filipino World War II records including personal histories and diaries; unit histories; medical and death reports; documents on activities within guerrilla units and criminal behavior by guerrillas; applications for pay and benefits based on military or civilian service; claims by civilians who were pressed into service to repel the Japanese invasion; and claims for compensation by former guerrillas based on their support of the U.S. effort in the Philippines. Regrettably, the Collection is disintegrating due to age of the paper records. It remains a valuable resource for the public to do research Also, the preservation and digitization of the Collection

would help to ensure transparency and a thorough accounting of the process to verify valid military service for Filipino World War II veterans.

Thank you for your consideration of this matter.

BOARD OF VETERANS' APPEALS
DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON, DC 20420

IN THE APPEAL OF
GAUDENCIO P. PABLO

DOCKET NO. 10-27 727) DATE JAN 31 2011
)
)

On appeal from the
Department of Veterans Affairs Regional Office in Manila, the Republic of the Philippines

THE ISSUE

Whether the appellant is a veteran for the purpose of establishing entitlement to one-time payment from the Filipino Veterans Equity Compensation Fund.

WITNESS AT HEARING ON APPEAL

Appellant

ATTORNEY FOR THE BOARD

M. Hannan, Counsel

IN THE APPEAL OF
GAUDENCIO P. PABLO

INTRODUCTION

The claimant/appellant alleges he is a deserving guerrilla veteran of World War II. This matter comes before the Board of Veterans' Appeals (Board) on appeal from a January 2010 decisional letter issued by the above Department of Veterans Affairs (VA) Regional Office (RO) in which the appellant's claim seeking compensation from the Filipino Veterans Equity Compensation Fund was denied.

The question of "veteran" status of the person seeking VA benefits is a threshold requirement for establishing entitlement to such benefits. Therefore, the issue on appeal before the Board is as reflected on the title page.

In October 2010, a videoconference hearing was held before the undersigned. A transcript of the hearing is associated with the claims file. In connection with that hearing, the appellant submitted evidence directly to the Board. This evidence consisted of a list of names said to be taken from the Guerrilla Master List, including the appellant's name, and documents said to be from the National Archive with a roster of Company C of the Luzon Guerrilla Army Forces (LGAF) 1st Regiment, 1st Battalion, including the appellant's name. However, the appellant indicated during the videoconference hearing that he did not want these materials sent back to the RO; the oral statement, when transcribed, became a "writing." *Tomlin v. Brown*, 5 Vet. App. 355 (1993). As such, there exists a written waiver of RO consideration of the additional evidence. *See* 38 C.F.R. §§ 19.37, 20.1304 (2010).

Please note this appeal has been advanced on the Board's docket pursuant to 38 C.F.R. § 20.900(c) (2010). 38 U.S.C.A. § 7107(a)(2) (West 2002).

FINDINGS OF FACT

1. The National Personnel Records Center (NPRC) certified that the appellant had no service as a member of the Philippine Commonwealth Army, including the recognized guerrillas, in the service of the United States Armed Forces.

IN THE APPEAL OF
GAUDENCIO P. PABLO

2. U.S. Army documents dated in 1945, 1947, and 1948 show that the 1st Battalion, 1st Regiment, Luzon Guerrilla Army Forces was a recognized guerrilla unit and that the appellant was a member of that unit with recognized service in July 1945.

CONCLUSION OF LAW

The appellant is a Veteran under applicable United States law, and is eligible for one-time payment from the Filipino Veterans Equity Compensation Fund. 38 U.S.C.A. §§ 101, 107 (West 2002 & Supp. 2010); American Recovery and Reinvestment Act § 1002, Pub. L. No. 111-5 (enacted Feb. 17, 2009); 38 C.F.R. §§ 3.1, 3.40, 3.41, 3.203 (2010).

REASONS AND BASES FOR FINDINGS AND CONCLUSION

Please note this appeal has been advanced on the Board's docket pursuant to 38 C.F.R. § 20.900(c) (2010). 38 U.S.C.A. § 7107(a)(2) (West 2002).

VA has a duty to notify and assist claimants in substantiating a claim for VA benefits. 38 U.S.C.A. §§ 5100, 5102, 5103, 5103A, 5107, 5126 (West 2002 & Supp. 2010); 38 C.F.R. §§ 3.102, 3.156(a), 3.159 and 3.326(a) (2010). In this case, the Board is granting in full the benefit sought on appeal. Accordingly, assuming, without deciding, that any error was committed with respect to either the duty to notify or the duty to assist, such error was harmless and will not be further discussed

The appellant contends he is a guerrilla veteran of World War II and that he served with the Luzon Guerrilla Army Forces (LGAF) from July 1943 to December 1945. In his March 2009 application for one-time payment from the Filipino Veterans Equity Compensation Fund, he listed his full name and provided his birthplace and date of birth, his dates of service and the unit in which he served. He also provided the names of his spouse, father, and mother.

IN THE APPEAL OF
GAUDENCIO P. PABLO

The appellant testified during his October 2010 videoconference hearing that Commonwealth of the Philippines Armed Forces documents demonstrate that he was on the roster of a recognized guerrilla unit from 1943 to 1945. He said that his commanding officer was an American Army officer named Robert Lapham. He also identified his unit as C Company of the 1st Battalion, 1st Regiment, Luzon Guerrilla Army Forces.

Under the American Recovery and Reinvestment Act, a new one-time benefit is provided for certain Philippine veterans to be paid from the "Filipino Veterans Equity Compensation Fund." American Recovery and Reinvestment Act § 1002, Pub. L. No. 111-5 (enacted Feb. 17, 2009). Payments for eligible persons will be either in the amount of $9,000 for non-United States citizens or $15,000 for United States citizens.

Section 1002 addresses Payments to Eligible Persons Who Served in the United States Armed Forces in the Far East during World War II. Section 1002(c)(1) provides that the Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act, submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require. Section 1002(c)(2) provides that if an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

Section 1002(d) provides that an eligible person is any person who--(1) served--(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or (B) in the Philippine Scouts under section 14 of the

Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538); and (2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

For eligible persons who accept a payment from the Filipino Veterans Equity Compensation Fund, such payment "shall constitute a complete release of any claim against the United States by reason of [such] service . . . ." However, nothing in this act "prohibit[s] a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act."

For purposes of establishing entitlement to VA benefits, VA may accept evidence of service submitted by a claimant, such as a DD Form 214, Certificate of Release or Discharge from Active Duty, or original Certificate of Discharge, without verification from the appropriate service department under the following conditions: (1) the evidence is a document issued by the service department; (2) the document contains needed information as to length, time, and character of service; and, (3) in the opinion of the VA, the document is genuine and the information contained in it is accurate. 38 C.F.R. § 3.203(a). When the claimant does not submit evidence of service or the evidence does not meet the requirements of this section, the VA shall request verification of service from a service department. 38 C.F.R. § 3.203(c).

The appellant has submitted a copy of an April 1989 Philippine Veterans Affairs Office Form PVAO-4 that indicates he was a veteran of World War II who served with C Company of the 1st Battalion 1st Regiment Luzon Guerrilla Army Forces (LGAF) with an ASN of 406772, a date of recognition of January 20, 1945, and a revised date of recognition of May 20, 1942. The evidence of record includes a Philippine Veterans Affairs Office Form PVAO 2.6(2) dated in October 1980, that indicates the appellant's unit and that he was carried in the Revised Reconstructed Guerrilla Roster of March 1948. Documents dated in February 1973 also indicate that the appellant was assigned to Squadron 269 of the 1st Battalion 1st Regiment LGAF. These documents did not originate from the U.S. Army.

Therefore, VA sought service department verification as to whether the appellant served in the U.S. Armed Forces in the Philippines (and specifically whether he has had guerrilla service as alleged). In the request, the RO noted that the appellant's name was on the Reconstructed Recognized Guerilla Roster maintained in its office. In December 2009, the service department (via the NPRC) in a stamped endorsement certified that it had no record of the appellant serving as a member of the Philippine Commonwealth Army, including the recognized guerrillas, in the service of the United States Armed Forces. This certification is generally binding on VA, and VA has no authority to change or amend the finding. *Duro v. Derwinski*, 2 Vet. App. 530 (1992).

In December 2010, the appellant submitted several U.S. Army documents that he obtained from the National Archives and Records Administration. An October 1945 endorsement by the General Headquarters, United States Army Forces, Pacific, signed by a U.S. Army Assistant Adjutant General, forwarded a list of names of individuals and dates of recognition. The list was not included but the text noted that the 1st Regiment PA – LGAF was a recognized guerilla unit. Another letter dated in July 1947 from the Office of the Assistant Chief of Staff, G-3, Headquarters, Philippines Ryukyus Command (a U.S. Army command) indicated that 1st Battalion, 1st Regiment, LGAF continued to be a recognized unit. In a May 1948 report entitled "Guerrilla Unit Designation" from the same U.S. Army command, signed by the Deputy Commander, a U.S. Army general officer, the 1st Regiment LGAF was again noted as a recognized unit. The report contained a supplementary list of soldiers from Company C, 1st Battalion, 1st Regiment, LGAF that included the name of the appellant with a date of recognition of July 1, 1945. This unit continues to appear on the NARA internet site as among those Philippine Army units that performed recognized guerrilla service. *See* www.archives.gov/research/arc/topics/philippine/guerilla-list-2.html (last visited Jan.27, 2011)

In this case, the Board is presented with conflicting information from the applicable service department. The National Personnel Records Center (NRPC) provided a stamped response that the appellant had no service in the Philippine Army or recognized guerrillas in service of the U.S. Army. However, the file now contains

clear evidence from the U.S. Army that the 1st Battalion, 1st Regiment, LGAF was a recognized guerrilla unit in service to the U.S. Army and that the appellant was a member of that unit with recognition since July 1, 1945.

The Board concludes that the U.S. Army documents obtained from NARA were issued by the service department, contain needed information as to length, time, and character of service; and are genuine and the information contained in it is accurate. The Board places greater probative weight on these service documents as they specifically identify the appellant and his unit and meet the requirements of 38 C.F.R. § 3.203(a). There is no indication that any U.S. Army determinations made in 1945-48 have been revoked. The Board places less probative weight on the stamped response from NRPC that reported a negative search.

ORDER

Entitlement to one-time payment from the Filipino Veterans Equity Compensation Fund is granted, subject to the legal criteria governing the payment of monetary benefits.

J. W. FRANCIS
Acting Veterans Law Judge, Board of Veterans' Appeals

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING

JUNE 24, 2014

RESPONSES TO QUESTIONS SUBMITTED BY DR. HECK

General MACEWEN. Civilian guerrillas are eligible for the Filipino Veterans Equity Compensation provided they meet the criteria established by the Army for Philippine Guerrillas, which means the claimant served full time in a unit that was recognized by the Army, and there is a claim folder and roster on file to verify service. The Adjutant General Office Form 23 includes a box check for Civilian Guerrilla which allows a claimant to request verification of service based solely on this status. [See page 13.]

Mr. FLOHR. In February 2010, the Manila Regional Office began manually tracking reasons for denial of FVEC claims. However, the Manila RO does not record whether FVEC claims were filed by Veterans or family members. Obtaining this information would be cost-prohibitive, requiring a manual review of over 23,000 FVEC claims that were denied. [See page 16.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JUNE 24, 2014

QUESTIONS SUBMITTED BY MS. BORDALLO

Ms. BORDALLO. You advocate for this committee to produce legislation that directs that alternative documentation should be recognized, and standardized criteria should be set to verify service for payment under the FVEC law. What about what Army or the NPRC can do at this time? The onus is on you as the keeper of the lists and the process to ensure that these claims and the appeals are expeditiously processed given the ages of the Filipino veterans. Is there anything that can be done administratively that could improve the consideration of alternative documentation provided by claimants?

General MACEWEN. I firmly believe there is nothing more the Army or the National Personnel Records Center can do internally at this time to improve the process. Yes, we are the keeper of the lists and the process, and yes, it is our responsibility to ensure that claims and appeals are expeditiously processed, but we believe we are executing this function to a very high standard. When a former or current U.S. Soldier presents a claim to the Army Board for Correction of Military Records, the highest level Board and only Board which exists today in the U.S. Army authorized to change a Soldier's official record, the Board looks for and accepts official documents which can be authenticated to justify changing the Soldier's record. This Board would not accept a hand-written note from a deceased commander; nor would it accept any document that could not be proven authentic. Throughout the verification process, we must ensure a certain level of integrity exists throughout the entire process; otherwise, the confidence in the process is lost. The introduction of new documents and information outside of the current process would make it even more difficult, if not impossible, to validate the authenticity of such documents today.

Ms. BORDALLO. In your testimony, you are also asking that the committee provide for a separate and expedited appeals process, and there are multiple bills circulating that address some facet of fixing the FVEC administration and appeals processes. Well, we appreciate that and will do what we can in this committee, but what about what can be done now by the Army, the VA, and the NPRC?

General MACEWEN. I cannot answer for the Veterans Administration specifically; however, the Army, the National Personnel Records Center, and the Veterans Administration, as a whole and independently, are each committed to executing our roles in this process to the highest standard possible. The Army, National Personnel Records Center and the Veterans Administration have partnered to ensure we provide timely and accurate processing of these claims, as well as providing greater transparency to the requesters. We look forward to working with the Committee if legislation is passed to modify the existing process. However, at the completion of a thoughtful, deliberate collaboration as conducted during the Filipino Veterans Equity Compensation Fund Interagency Working Group (comprised of the Department of Veterans Affairs, the Department of Defense, and the National Archives and Record Administration), which was specifically tasked with analyzing the process faced by Filipino Veterans in demonstrating eligibility for compensation, we have found no substantial or efficiency-gaining enhancements that could be injected into the current process without compromising the overall verification process.

Ms. BORDALLO. Could you describe how an expedited appeals process would work, and if there's anything that can be done with the current process internally that would improve the response time, even before it gets to the BVA?

General MACEWEN. As the Army's agent to verify service for Filipino Veterans, the National Personnel Records Center strives to complete all requests under the Filipino Veterans Equity Compensation Fund in 10 days or less. They are also committed to reviewing cases a second, third, or fourth time if there is new information that leads to a corresponding claim folder or roster. We believe that the current process is sound, and cannot offer any changes to the internal operating procedure that might improve the response time.

Ms. BORDALLO. General MacEwen, in your testimony, you assert that your "Guerrilla Recognition Program," which is the basis for your service verification process, is robust and thorough. And I have full faith that at the time, the compilation of the 1948 list was as thorough as the Army had intended.

It has come to the attention of many of us that there are unusual cases of claimants to the FVEC where decisions do not seem consistent. One veteran, Romeo de Fernandez was denied FVEC because there is no record of his service with the NPRC, though he was awarded a P–O–W medal, and has been receiving service-connected disability compensation from the VA. Another veteran, Mr. Ciriaco Cruz was denied FVEC even if NPRC found a verification of his military service. Mr. Ceferino Palad, also a veteran, received FVEC, but his claim for service-connected and pension benefits were denied. These are just three of many Filipino veterans who have been denied pension benefits with these inconsistencies.

I quote your testimony: "It is not possible for the Army to conduct a better, more detailed, and more thorough investigation today than that which was conducted between 1942 and 1948."

Could you explain then, that with a robust list and a process that you have determined does not need changing, why such discrepancies exist? When even my iPhone software needs to be updated every few months, how can a process established in 1948 not need improvements?

General MACEWEN. I am not in a position to address the merits of the three cases you cited. Those specific claims appear to be within the purview of the Veterans Administration. Although the Army, National Personnel Records Center, and Veterans Administration work together in executing our roles to process claims for the Filipino Veterans Equity Compensation Fund, we still maintain complete independence in making determinations specific to our responsibilities and authority.

Each agency is a steward of the government's resources and each will be held accountable accordingly; thus, we are not expected to agree on 100% of the cases 100% of the time, and we welcome new information at all levels and in every part of the process.

Again, the Veterans Administration is best equipped to answer this question as they have overall ownership of both functions. The Army stands by to provide additional information and/or clarify the information provided.

Ms. BORDALLO. How does the NPRC or the BVA make the determination whether or not a claim contains information compatible with the NPRC archives?

Mr. LEVINS. Thank you for your follow-up questions concerning the role of the National Archives and Records Administration (NARA), and specifically its National Personnel Records Center (NPRC) in referencing records to authenticate service determinations made by the Department of the Army regarding Filipino nationals who supported the United States Army Forces in the Far East, including those who served in guerrilla units, during World War II.

Before addressing the specific questions, it may be helpful to clarify the role of NARA and specifically NPRC in the verification process. The NPRC serves as an agent for the U.S. Army, providing storage and reference services for records of the U.S. Army. Among the Army records held by NPRC are claim folders pertaining to Filipino nationals, which were adjudicated by the U.S. Army after World War II, and unit rosters created by the U.S. Army in conjunction with its recognition program. NPRC does not make service determinations but rather reviews the records described above to authenticate claims previously adjudicated by the U.S. Army. Most often, this is done in response to requests from the Department of Veterans Affairs regarding compensation claims.

NARA has also preserved records of historical value documenting events that transpired in the Philippines during and after World War II. Included are records describing actions taken by the U.S. Army to recognize the service of Filipino nationals who supported the United States Army Forces in the Far East, including those who served in guerrilla units. These original records are available for public review at the National Archives Building in College Park, Maryland.

Regarding this specific question, in authenticating guerrilla service, NPRC reviews the information provided from the claimant to identify the responsive claim folder. The claim folders are arranged alphabetically by subject name. In searching for the responsive claim folder, NPRC considers alternate spellings of the subject's name. Once a claim folder has been located, its contents are examined by a technician. In this examination, the technician is looking for an affidavit (AGO Form 23) submitted to the Army during its post-war recognition program. If an affidavit is located, the technician retrieves the corresponding unit roster and attempts to locate a matching name on the roster. If the corresponding unit roster includes a matching name, the service is authenticated. The process for authenticating service in the Philippine Commonwealth Army is similar, but allows for consideration of additional documentary evidence in the claim folder in instances where the subject's name does not appear on a roster.

The term "archives" is used in a generic sense to refer to the rosters created as a result of the Army's post war recognition program, as opposed to permanent

records which have been legally accessioned into the National Archives of the United States. A claim is deemed to contain information "compatible with the archives" where a claim folder contains acceptable documentation that matches information appearing on a corresponding unit roster. As described above, this is the threshold that must be met to authenticate guerrilla service. The process for authenticating service in the Philippine Commonwealth Army is similar, but allows for consideration of additional documentary evidence in the claim folder in instances where the subject's name does not appear on a roster. While NPRC provides reference services required to authenticate prior service determinations, it does not adjudicate claims or appeals. Questions about proceedings before the Board of Veterans' Appeals should be directed to the Department of Veterans Affairs.

Ms. BORDALLO. The case of veteran Mr. Gaudencio Pablo indicates that this was the first instance that official Army documents at the National Archives were used to determine Mr. Pablo's service after the NPRC initially could not verify Mr. Pablo's claim. Is it necessary for a veteran to have to appeal to the BVA, given that there are existing records that could augment the 1948 list?

Mr. LEVINS. Thank you for your follow-up questions concerning the role of the National Archives and Records Administration (NARA), and specifically its National Personnel Records Center (NPRC) in referencing records to authenticate service determinations made by the Department of the Army regarding Filipino nationals who supported the United States Army Forces in the Far East, including those who served in guerrilla units, during World War II.

Before addressing the specific questions, it may be helpful to clarify the role of NARA and specifically NPRC in the verification process. The NPRC serves as an agent for the U.S. Army, providing storage and reference services for records of the U.S. Army. Among the Army records held by NPRC are claim folders pertaining to Filipino nationals, which were adjudicated by the U.S. Army after World War II, and unit rosters created by the U.S. Army in conjunction with its recognition program. NPRC does not make service determinations but rather reviews the records described above to authenticate claims previously adjudicated by the U.S. Army. Most often, this is done in response to requests from the Department of Veterans Affairs regarding compensation claims.

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Regarding this specific question, NPRC has in its holdings multiple claim folders pertaining to individuals named Gaudencio Pablo. Based on a review of each folder, it appears your question concerns Mr. Gaudencio Pagaduan Pablo, as this is the only Gaudencio Pablo that has been the subject of recent reference requests from the Department of Veterans Affairs. Over the years, NPRC and the Department of the Army (before this function was transferred to NPRC) have responded to at least seven requests for authentication of Mr. Pablo's prior service. Based on the documents they reviewed, neither NPRC nor the Department of the Army was able to authenticate Mr. Pablo's prior service.

In instances where a claimant's prior service could not be authenticated, NPRC remains willing to re-examine its holdings and to make additional efforts to authenticate service. NPRC will undertake these efforts regardless of whether the individual has submitted a formal appeal to the Board of Veterans' Appeals involving a claim for Department of Veterans' Affairs benefits. However, unless new information is provided by the requester, such as a different spelling of the name or the use of an alias during the period of service, the outcome is likely to be the same. While NPRC provides reference services required to authenticate prior service determinations, it does not adjudicate claims or appeals. Questions about proceedings before the Board of Veterans' Appeals should be directed to the Department of Veterans' Affairs.

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