

"EXPENSES, ARMY OF THE PHILIPPINES, 1941-42" POLICY PERTAINING THERETO

DECLASSIFIED

Authority MM 883078



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Authority NND 88-3078



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Check Sheet  
HEADQUARTERS PHILRYCOM  
AG-Recovered Personnel Division

Do not remove from attached sheets

File No. GSXRP

Subject:

FROM: Chief, Proj "J" Br

TO: Policy

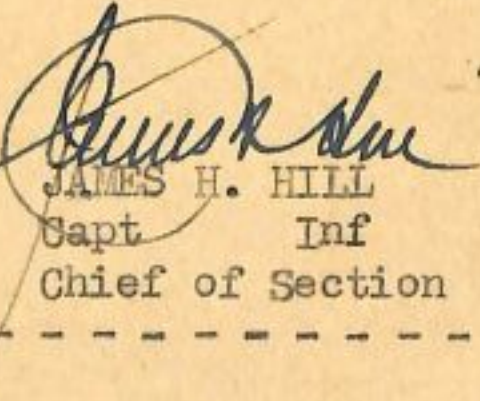
DATE: 22 APR 1948

1. In the future all claims of War Department civilian employees that are determined to be negative by this branch will be referred to Claims Service for review, provided such claims were filed with this branch prior to 31 Mar 48.

2. On last paragraph of our letter to claimant the following should be stated:

"Your claim has this date been forwarded to Claims Service, HQ PHILRYCOM, APO 707, for review by that office".

3. On the other hand, claims filed subsequent to 31 Mar 48 that are determined to be negative by this branch will not be referred to Claims Service, and claimants will be notified of our negative determination without reference to Claims Service.

  
JAMES H. HILL  
Capt Inf  
Chief of Section

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Authority NNA 883078

HEADQUARTERS PHILRYCOM  
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FROM: Chief, Proj "J" Br

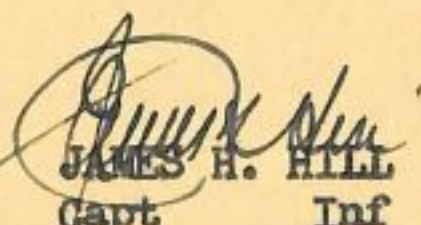
TO: Policy

DATE: 4 May 48

1. It is hereby announced that Claims Service, Headquarters PHILRYCOM, will no longer accept claims ~~of Civilian employees~~ of Civilian employees which were determined negative by this branch regardless of the date such claims were filed with this Division.

2. Effective immediately, all negative determinations will not be referred to Claims Service for further review. The last paragraph therefore of our letter to claimants in reference to this matter should be stricken out.

3. This order supersedes all previous orders issued relative to this matter.

  
JAMES H. HILL  
Capt      Inf  
Chief of Branch

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5. If claimant states he ceased work due to enemy action between 8 Dec 1941 and 1 Jan 1942, and there is acceptable evidence of his employment in Nov 1941 or subsequent thereto, his continuing employment will be presumed if he states he remained on duty status until enemy action precluded continuance.

6. If there is conclusive evidence that claimant was a War Dept. employee as of some time prior to Nov 1941, and claimant states such employment continued to a time when enemy action precluded continuance, but there is no evidence to support his statement beyond Oct 1941, the case will be suspended and claimant interviewed to ascertain what further evidence he can provide. In such cases an affidavit from a superior known to us and eligible under MPA, or an affidavit of the military unit with which he worked, will be acceptable as proof of continuance of employment.

7. If claimant states he was employed for more than 30 days prior to the cessation of work in an organization which stopped work between 1 Jan 1942 and 9 April 1942, and there is acceptable evidence of his being a War Dept. employee in Dec 1941 and he states he worked until told to stop, it will be presumed that employment was continuous.

C O P Y



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Acceptible Evidence of Employment.

1. The following and only the following will be considered as sufficient evidence to support claim to employment for the War Department.

- a. Name appears on an official payroll of War Department employees.
- b. Names appear on official or lsemi-official time sheet or payroll.
- c. Name appears on unofficial records determined as reliable and which conclusively identify claimant as a War Dept. employee.
- d. A credible affidavit identifying claimant as a War Dept. employee is executed by a responsible official of an installation who is a War Dept. employee of long duration in a position to personally know the circumstances of the employment of the claimant, his wage rate, approximate length of service, continuity of employment and approximately the date of claimant ceased working.

2. If claimant states he worked in the field on Bataan or Corregidor and there is acceptable evidence of the fact of his employment there in January 1942, or subsequent thereto, it will be presumed, if he so states, that he continued to work until the surrender.

3. If claimant states he worked more than 30 days on Bataan or Corregidor and until surrender and that he was interned, his employment for the War Dept. may be presumed if he is listed as released from a concentration camp with other War Dept. employees (Tribune lists), or he presents acceptable evidence of such internment resulting from his being with the troops at time of surrender, and we obtain an affidavit from his immediate foreman or an officer of the military organization to which he was attached, certifying to his employment.



INSTRUCTIONS FOR COMPLETING SUPPLEMENTARY

RPD Form #4 (5-45)

Supplemental affidavit to be made out in duplicate.

The statements to be entered in this affidavit are direct statements of affiant and as such should all be in the first person.

Par. 1. Enter reference to latest affidavit which affiant has submitted.

Par. 3. Enter number of paragraph of original affidavit as to which correction or addition is desired.

Under Supplemental Remarks take statement as to any reason affiant has as to why his previous statement was incomplete or inaccurate.

Also allow affiant to make any other statement he desires in addition to which he has already stated.

If affiant signs with "X" there must be a witness to his mark.

At all times compare signatures on original and supplemental affidavits to identify person making statements as same.

Fill in date and place of execution of affidavit. -  
Rec. Pers. Div., GHQ, AFPAC, Manila, P.I.

C O P Y



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S O P on Arranging Files

Attn: Adjudicators-

1. The files, especially the bulky ones, are not in very good shape. The Affidavits, correspondence, extraction slips etc. are all mixed up making it impossible to read the file properly.

2. Hence the following will be the arrangement of material in a file.

1. All extraction slips on the bottom of the file.
2. Build the file up from there chronologically with the latest communication on top.
3. If several pieces of material bear the same date - the material for that day will be arranged with the most important item on top, and so on i.e. a letter or radio is dated 9 July 45.  
A set of affidavits -triplicate - 9 July 1945  
A set of Reports of Recovery - 9 July 1945

File the correspondence above the affidavits and the affidavits above the miscellaneous material - reports of recovery etc.

4. If supplementary affidavits are obtained in support of a particularly affidavit - file immediately above the affidavit they effect.
5. Use staples to clip together inclosures to a letter and file under date of the covering letter or indorsement. The inclosures generally have various dates and if not stapled to the covering letter or indorsement may become distributed in the file chronologically.
6. All material will be under one clip.
7. A sheet showing the proper arrangement of the Evelyn D. Laird case is attached.

Initial:

Parakilas	Fields	Hugley	Millar	Thornbury
Harmon	Mabry	Thomas	Morgan	Williams
Anderson	Nagel	Hartel	Newberger	Russ
Armstrong	Stanton	Ilmoneimi		

4



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POLICY CIVILIAN WAR DEPARTMENT EMPLOYEES

To be determined entitled to benefits of the M. P. A.

Employees hired anywhere, on any basis, for any position, at any time, who remained on duty status full time continuously for a period in excess of 30 days, and employees other than hourly or per diem employees hired prior to 7 Dec 1941, if in either case they remained on duty until enemy action precluded continuance of their duties.

To be excluded from the benefits of the M.P.A.

1. Employees who worked 30 days or less on an hourly or per diem basis.
2. Employees who were employed part time (less hours than a full work day or less days than a full work week).
3. Employees hired after 7 Dec 1941 who worked less than 30 days.
4. Employees who terminated their employment prior to disbandment of the installation without authority from a superior or without just cause attributable to the war.

Reasons for Neg. Determination.

1. Record indicates that employee was intermittent or local labor casually hired and not entitled to the benefits of the Missing Persons Act.
2. Records indicates that employees did not remain on duty status until enemy action precluded the continuance of such duties and is not entitled to benefits of the Missing Persons Act.

COPY

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BASIC: Memo to Legal Section, dtd 15 Aug 45 re Termination of Employment due to enemy action at Nichols Field and Ft. Stotsenberg (including Clark Field).

form an examination of affidavits it is estimated that about 90% of the civilian employees at both Nichols Field and Ft. Stotsenberg were not employed on or after 9 Dec 1941. It may be assumed that the information re the employment situation spread rapidly and added to the confusion of the many employees who lived near the installations and because of report of no more work many did not bother to go to work but accepted the word of others. Doubtless also there were some who, fearing for their safety would not have returned had work been continued but aside from a chance admission by the honest, it is impossible to equitably evaluate the depth of their loyalty with all its contingents in the time almost 4 years ago.

6. Excluding emergency repair, necessary maintenance, and preparation for evacuation of the posts, may we conclude for the purposes of the Missing Persons Act that work ceased due to enemy action on 8 Dec 41 and that any employee who was on duty status until 8 Dec 1941 remained on duty status until enemy action precluded continuance of such duties?

14 August 1945

Yes

D. L. B.

C O P Y



GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC

APO 500  
15 August 1945

MEMORANDUM TO: Legal Section

Re: Termination of Employment due to enemy action at Nichols Field and Ft. Stotsenberg (including Clark Field).

1. Interviews with former responsible employees including timekeepers, foremen and military personnel then on duty, payrolls, time lists and other documentary evidence discloses the following information concerning cessation of work at Nichols Field and Ft. Stotsenberg, including Clark Field. The principal types of employment at Ft. Stotsenberg and Nichols Field, at the outbreak of hostilities 8 Dec 1941 was as follows:

- a. Construction of runways
- b. Construction of hangers
- c. Construction of New Chapel (Stots)
- d. Construction of Barracks
- e. Construction of Bodegas
- f. Construction of Sig. Office (Stots)
- g. Construction of Roads
- h. Maintenance of equipment and personnel facilities.

2. Both Stotsenberg and Nichols Field were bombed on 8 Dec 1941 for the 1st time and almost daily until abandoned about 24 Dec 1941.

3. The first bombing occurred at Mid-day and the employees in large groups stood watching as enemy planes in large numbers approached unrecognized. The bombs were dropped in their midst killing several hundred and wounding many more.

4. The suddenness of the first attack and the subsequent frequent bombings gave rise to much confusion and all normal employment was disrupted. Because of the danger of further heavy loss of civilian life; because many of the shops and other buildings were destroyed; because it was decided that continuance of new construction was useless; and because of the danger of sabotage by Jap sympathizers, all of the construction projects on which the great mass of temporary employees were working were discontinued and all normal employment ceased.

5. An order was issued to exclude the civilians, except those few who were needed more than ever because of the situation, and



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A D J J D I C A T I O N

Policy relative to continuation of employment  
up to time of preclusion by enemy action.

1. Where employee worked in Bataan or Corregidor  
and OSSA pay data shows him employed there after  
1 Jan 42 carry him through if he was taken prisoner  
of war.

2. If not taken prisoner of war OSSA must show  
him paid at least to 28 Feb 42.

C O P Y

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9



Office Memo, Subj: Determination of status of "active service" in Cases of Residents of the Philippines, dtd 20 Jul 45.

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

- a. They remained on such employment for a period of at least 30 days and
- b. They continued on such employment after the expiration of the 30 day period until enemy action terminated their employment.

Above extracted from approved CN, 7 Apr 45 (Tab. 36, Off. OOB, Policy Book II 15-41). Gen Stivers personally submitted policy to and it was approved by Gen Benedict.

5. The above practical test must be subject to the further limitation that notwithstanding the duration of the employment, it was not in fact a "task" job, or work of a purely volunteer nature, performed on a temporary employment basis, or work done with or without compensation by a civilian in connection with a temporary sojourn with the military forces as a place of refuge.

D. L. G.

C O P Y

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Office Memo, Subj: Determination of status of "active service" in Cases of Residents of the Philippines, dtd 20 Jul 45.

become civilian employees of the department in active service in the meaning of the Missing Persons Act.

"c. Residents of the Philippines who prior to the outbreak of the war or during hostilities were hired for collection, warehousing, guarding or moving supplies, or for analagous purposes, without contemplation of continuance as employees beyond the accomplishment of the task which warranted their employment, are not in general, by reason of such employment, regarded as having become civilian employees of the department within the meaning of the Missing Persons Act. Their status is that of native (local) labor casually hired."

(Letter WDDB 1 May 1945)

3. In approximately 100 cases of individuals employed as guards and in demolition work at Manila just before the surrender in 1942, the Military Personnel Division, AGO, Casualty Branch, held

"In absence of evidence of regular employment for continuing service the emergency nature of the hiring of individuals just prior to the surrender in 1942 negatives any presumption that there is an employee status contemplated by the Missing Persons Act with entitlement to pay after the termination by reason of enemy occupation or other causes of the situation which occasioned the hiring of such individuals. Reurad U 87465 of 24 March 45. Enemy detention by so called interment in such cases is not deemed consequent to an employee status and would probably have occurred in any event by reason of individual being an allied national. SPXPC-S. In the absence of evidence to the contrary determination in such cases should be that the individual is not, repeat, not a civilian employee of department in active service in any absent casualty status under the Missing Persons Act during the period of enemy occupation or of his detention by the enemy."

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

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



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GENERAL HEADQUARTERS  
UNITED STATES ARMY FORCES, PACIFIC  
RECOVERED PERSONNEL DIVISION

APO 500  
20 July 1945

OFFICE MEMO TO CIVILIAN SECTION:

SUBJECT: Determination of Status of "Active Service" in  
Cases of Residents of the Philippines

1. The term "active Service" contemplates an indefinite and continuing employment which will extend beyond the accomplishment of a single task such as building a warehouse, guarding a stock of supplies which are being moved, or demolition of certain bridges. In other words, it contemplates that the employee has become a part of the normal and continuing civilian personnel complement of the installation. (Letter WDDB 1 May 45) Such service,

\*\*\*is a question of fact and not of citizenship, residence or domicile prior to or during employment, or of prior employment in the United States or being sent therefrom".

(Policy Memo WDDE 27 Jan 45)

2. The War Department Dependency Board is of the view that a determination of an "active service" status is unwarranted in the following categories:

"a. Residents of the Philippines who volunteered when war was imminent or after its outbreak to assist the military effort, in some general or specific way as civilians, and whose services were accepted or permitted, are not in general regarded as having become by reason thereof civilian employees of the department within the meaning of the Missing Persons Act. Their status is in effect native (local) labor casually hired. Inasmuch as a Congressional Report specifically states that there is no distinction as to race or nationality the term "native labor" as used in the Act must of necessity mean "local labor".

"b. Persons who attached themselves to military forces largely through motives of self protection, were permitted to remain with forces or installations and were given casual employment, are not regarded as having



Appeal of Icaayan, Doroteo O.

Legal Officer      Adjudication Section

25 July 1945

1. Appeal of above-named claimant has been reviewed by this office and it is recommended that the determination that subject's claim is not within the Missing Persons Act be affirmed.
2. Subject claims to have been employed by the War Department on August 1941, at the Philippine QM Depot, Port Area, at a salary of \$0.96 per day, as an unclassified stock clerk. He worked continuously until 12 December 1941 when he ceased work because there was no available transportation from his home at Cavite City to Manila, a distance of about 15 miles.
3. In his appeal, claimant asserts that until 10 December 1941 he rode to work in a privately owned truck, but on that date the owner did not show up; that he has not seen the owner of the truck since but believes that the army may have commandeered the truck. He came to work on a different truck on each of the following days and tried to come to work on three succeeding mornings but could find no means of transportation.
4. It is the opinion of this office that the asserted lack of transportation facilities does not establish that claimant was precluded from going to work by reason of enemy activity. Accordingly, it not appearing that his service was continuous until terminated by enemy activity, the subject's claim does not fall within the Missing Persons Act.
5. I do not agree with the findings in the records that subject was local labor casually hired without contemplation of continuance as employee beyond the accomplishment of the task which warranted the employment. The records show that he had worked continuously for a period of many months with a normal tour of duty of eight hours. The fact that he was an "unclassified" stock clerk would not of itself justify a determination that he was casually employed. However, in view of the fact that his services were not terminated due to enemy activity, the exact nature of his employment is not material.

/s/ DLG

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D.L.G.

C O P Y



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A F F I D A V I T

26 July 1945

I, SAM LEE, foreman of the Quarte master Laundry, Port Area Manila, P.I. from 1910 to 30 Dec 1941 do certify that the following facts are true to the best of my knowledge and belief:

That on 8th of December 1941, at the outbreak of hostilities, the Laundry was operating with both a day and night shift. Due to blackout regulations the night shift was discontinued on 8 Dec 1941 and the employees were told to stand by and report back each day. It was the intention to put on two day time shifts One from 6 AM to 2 PM and one from 2PM to 6PM, however, this was never done.

After 8 Dec 1941 the Japanese planes came over every day but did not bomb the Laundry until 24 Dec 1941. On this day due to a direct hit the building was destroyed. This was about 11:30 o'clock in the morning. After that an attempt was made to set up operations in the Sanitary Laundry, a privately owned concern, however, we were not able to get into operation as Manila was occupied by the Japanese on 2 January 1942.

All employees worked up until they were sent home by their superiors. I know of no case where an employee quit work on his own accord because of enemy action; they all worked until they were told to go home.

The night crew was paid through 15 Dec 1941, the day shift was paid through 24 Dec 1941.

/s/ Sam Lee  
(Signature)

Subscribed and sworn to before me this 26th day of July 1945 at GHQ APPAC, APO 500.

/s/ Lt. Roy E. Thacker AGD

ORIGINAL FILED IN CASE - 201 - LEE, SAM

C O P Y



SUSPENSE CASES

The suspense file will be broken down into the following classifications:

1. For interview
2. Deceased
3. Jap Employee and CIC
4. Guerrilla
5. Transportation - As preventing return to duty.
6. Miscellaneous policies
7. A.T.E.
8. Drivers - Yellow Cab
9. New address needed.
10. Appeal - negative.

In suspending cases adjudicators will make notation in abbreviated form, on upper left hand corner of file (outlined) as to which of the above the case falls under.

Additional classifications will be added as they occur.

COPY

13

13



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STATEMENT OF POLICY

Re: Interview work sheet.

Whenever it is deemed necessary to hold a case in suspense the Adjudicator will complete an "Interview Work Sheet" to enable interviewer to discern what particular information is desired for completion of determination.

Re: Validity of Affidavits:

No affidavit is acceptable unless the Affiant can be identified as being in a position to have 1st hand information eg. In the absence of OSSA information a driver on Bataan must obtain affidavits from co-workers on Bataan whom we can identify as having been on Bataan.

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

Re: Re-opened Cases.

All cases opened from closed files for payment here must be cleared by C. I. C.

C O P Y



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STATEMENT OF POLICY

Re: Reason for Negative Determination.

The following may be used as a reason for Negative determination:

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

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

This will be reason #8 under Rules for Negative Determinations.

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Supplimentary Affidavits must be from co-workers whom we can identify as such. This is to include military personnel as well as civilian co-workers. When affiant is a Phil. Scout he is to be identified by P.S. Sect. (Lt. Rasmussen) and when Phil. Army refer to Lt. Shaw for identification by P.A. Cp. Murphy. In so far as possible, to save time, avoid supporting affidavits by other than Phil. Scouts and Civ Co-workers who can be identified in this office without delay.

A signed statement including means of identification and date will be superimposed on all supllimentary Affidavits by Adjudicator or other persons making identification from official records.

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

This policy will supersede previous statements of Policy re: "Validity of Affidavits", "Employment during Japanese Occupation period", "Claim to Guerilla Activity" and "Guerilla Status Negative Determination."



4. Accept claimants statement in absence of conflicting OSSA or other information if after 8 December 1941. Questionable cases will be referred to Lt. Shaw who will investigate validity of our question.

5. Must be substantiated by OSSA, information officials, semi-official or unofficial or by acceptable supplementary affidavits.

6. Accept claimants statement unless there is conflicting official OSSA information.

8. \* \* \* \* \*

Whenever a claimant whom we determine negative mentions guerilla activities in his affidavit, the following will be added to negative letter. "Any claim you may have for pay as a Guerilla may be presented to the Philippine Army at Camp Murphy."

9. Employment during Japanese occupation period.

a. No payment as a civilian or Department employee will be authorized for any period during which subject was employed in Japanese or Puppet agencies.

b. This is to include the Japanese sponsored Bureau of Constabulary, municipal, provincial or "republic" offices etc.

c. This is further to include any concern the employees of which were paid by the Japanese government or collaborationist activity helpful to the Japanese military effort.

d. Forced employment is not included but all claims of forced employment will be investigated prior to determination.

e. Employment, the purpose of which, it is claimed, was furtherance of Guerilla activities will be investigated before determination.

f. If otherwise eligible a positive determination will be made for payment for period up to the date of acceptance of employment with Japanese controlled organization. (However, at present none of these cases will be entered on payroll for payment.)

g. Eligibility for payment as a civilian War Department employee is not regained with termination of collaborationist employment, however, in event employee later became a Guerilla he may be entitled to pay as a Guerilla.

B. Affidavits - Supplementary.

No affidavit is acceptable unless the affiant can be identified as being in a position to have first hand information.



STATEMENT OF POLICY

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A. Claimants Affidavit

1. Employment for War Department and Position
2. Date hired
3. Date last employed
4. Reason for cessation
5. Rate of Pay
6. Date last paid
7. Continuity of employment
8. Guerrilla activities
9. Employment during Jap occupation.

1. Must be substantiated by OSSA official information or acceptable supplementary affidavits.

2. Accept claimants statement in absence of official OSSA information.

3. Accept claimants statement in the absence of conflicting OSSA information under the following conditions:

a. Manila and vicinity.

- (1) Installations in which work is known to have ceased due to enemy action between 8 Dec 41 and 15 Dec 41 (eg QM Laundry nite shift 9 Dec 41 and many employees at Nichols Field.)

If we have OSSA or other acceptable information showing employment to 15 Nov 41, and claimants affidavit indicates last paid in full to include 30 Nov 41 or date work ceased, and that employment continued until a date on which it is known to us that work ceased in that installation, claimants statement will be accepted as sufficient, otherwise supporting evidence must be provided.

- (2) Installations in which it is known that work ceased due to enemy action between 16 Dec 41 and 1 Jan 42.

If we have OSSA or other acceptable information showing employment until 1 Dec 41 and claimant's affidavit indicates last paid in full to include at least 15 Dec 41 and claimant's affidavit states he worked up to time when it is known to us that employment ceased to exist because of enemy action, his statement will be accepted as sufficient; otherwise, claimant's affidavit must be substantiated by supplementary affidavits or other acceptable proof.

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C O P Y

GSMRP

Interpretation

(2) FROM: Dir, Rec Pers Div TO: Civ Sec DATE: 4 Jan 1946  
THRU: Adj Br

1. The following interpretation of policy is approved:

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

M. H. M.

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POLICY RE PANAY BUREAU OF POST EMPLOYEES  
AS APPROVED BY COLONEL MARCUS, DIRECTOR, RPD

21 December 1945

1. Civilian employees of the Bureau of Posts, Isle of Panay, remained employees of the Commonwealth Government regardless of their induction into the USAFFE and did not obtain any status as War Department employees. They have no status under the Missing Persons Act.

2. These individuals on the Isle of Panay who served as "Volunteer Air Observers" have no status as War Department employees, and do not come under the Missing Persons Act.



d. The installations and occupying troop units were:

<u>Cantonment</u>	<u>Provinces</u>	<u>Unit</u>
Manaoag	Pangasinan	11th Div
Bonuan-Guesset	"	"
Umingan (Camp Gonzalés)	"	"
Mabilao (Camp Tabu)	"	"
Lingayen (Camp Bugallon)	"	"
Malatiki (Malatique)	Tarlac	21st Div
Sah Marcelino	Zambales	31st Div
Tagaytay City	Cavite	41st Div
Santo Tomas	Batangas	51st Div
San Rosario	"	"
Lipa	"	"
Iloilo	Ilse of Panay	61st Div
Camp O'Donnel	Tarlac	71st Div
Cabanatuan	Isle of Cebu	81st Div
Tankulan	Nueva-Ecija	91st Div
	Bukidnon	101st Div
Capt Tinio	Nueva-Ecija	PA Airfield

e. Some of the Project Engineers and paying officers were as follows:

	<u>Cantonment</u>	<u>Proj Engr.</u>	<u>Finance Officer</u>
(11 Div)	Camp Gonzales	Lt Oscar Santos	Capt G. Carreon
(41 Div)	Tagaytay City	Maj DeJesus	Capt Daniel Limbo
(51 Div)	Santo Tomas	Lt F. P. Javier	Lt P. Tiongson
(71 Div)	Camp O'Donnel	Lt A. B. Santos	Lt. Miranda
(91 Div)	Cabanatuan	Lt Escobar	



ILOILO INSTALLATIONS & DETERMINED STATUS

Lin and Company	Non J
Iloilo Dock & Engineering Company	Non J
Long Distance Telephone Company	Non J
Bureau of Posts	Non J
USAFFE Shoe Factory	Non J
Veterans Camp Construction (Suhut Springs)	Non J - (Paid by Phil. Govt.)
Volunteer Air Raid Warning Observers	Non J
Mission Hospital	Negative #1
Emmanuel Hospital	Negative #1
Employees of Airfiels	
a. American Supervisors	Positive Determination
b. Laborers (If shown as employees of Bureau of Public Works)	Non J
c. Laborers (If no designation given, merely as employees on air strips)	Negative #1
Post Quartermaster	Negative #1
65th Inf Regt, 61st Division	(PA)



4. Civilian employees of the Philippine Army have been considered to be employees of the Philippine Commonwealth and not employees of the United States. (See Ltr, Gen. Fitch to CP Henson, Deputy Commissioner, U. S. Employees Compensation Commission dated 2 Oct 1945). Section VIII of the War Department Plan expressly states that civilian employees of the Commonwealth of the Philippines do not come under the provisions of the Missing Persons Act.

5. In view of the fact that most of the troops and installations in the Southern Islands were Philippine Army, and since it is likely that most of the persons referred to in the basic check note were employed by Philippine Army units, it is my opinion that it should be determined in every case, if possible, whether the unit or installation in which a claimant was employed was a Philippine Army or U. S. Army unit or installation. This would require accumulation of information and data from officers who knew the facts and a vast amount of time would be consumed before the information can be gathered and conclusions reached which would enable this division to determine whether each claimant was an employee of the Philippine Army or the U. S. Army. Therefore a practical solution must be reached which will permit the adjudication of claims pending the accumulation of such facts. This I believe is possible.

6. The affidavits attached to basic check note show that most of the laborers were hired under the "Cabo" system to haul and store supplies and materials during the period between 16 March and 7 April 1942. These individuals would under such facts be local labor casually hired.

7. I therefore recommend:

a. That all laborers on the project who were hired under the cabo system on a per diem basis be determined not to be War Department Employees for the Missing Persons Act for the following reasons to be stated in the determination:

(1) Evidence available, is insufficient to establish that subject was an employee of the War Department and was not an employee of the Philippine Army.

(2) If subject were employed by the U. S. Army he would be a local laborer casually hired and not within the provisions of the Missing Persons Act.

b. That all persons who were employed less than 30 days be treated the same as the above.

c. That an investigation be made to determine whether this activity was a Philippine Army project or U. S. Army activity and that claims of individuals who allege that they were employed on a monthly basis be suspended pending accumulation of facts and further consideration of whether the project can be classified as temporary or emergency and if so whether this is sufficient to justify a determination that such persons are not within the act.

5 Incls: n/c

H. W. R.

C O P Y

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FILE NO.

SUBJECT:

(2) FROM: Legal Officer      TO: Director, RPD      DATE: 9 May 46

1. The activity is referred to in the basic check note and affidavits attached as "USAFFE Quartermaster Supply Depot." There is no information to indicate whether this installation was a Philippine Army project or an activity of the United States Army. It is my belief that practically all of the units in the Southern Islands were Philippine Army units. The term USAFFE has been loosely used in this theater to designate PA units and personnel ordered into the armed forces of the United States, although technically it applied to all of the forces in the Far East.

2. The organized military forces of the government of the Philippines were called into service by the President on 26 July 1942, and placed "under the command of a General Officer to be designated by the Secretary of War." Gen. MacArthur was designated as the Commanding General of the new Far East command. Shortly after he received command he issued a statement in which it was said:

"The plan envisions an immediate construction program at strategic localities to house the thousands of reservists involved as well as the intensive development of new air fields for the rapidly expanding air forces. All Philippine elements which come under American control will maintain their national integrity. They will retain their own uniforms, their own scale of pay, their own promotion list, their own rations, and their own code of military law. Their training, however, will be under the immediate direction of the officers of the American Army. On muster into the American services they will be paid and supplied from American sources."

(See pages 16 and 17, The Philippine Army: Its establishment, organization and legal basis, by Philippine Research and Information, USAFFE, dated 26 Jan. 1945). In a letter signed by Carl H. Scale, Adjutant General, USAFFE, 2 Sept 1941, it was said:

"The United States Government has adopted the policy of using the agency of the Philippine Army in the employment of the manpower of the Philippines. The Philippine Army, retaining its own identity, will serve side by side with the United States under a single command."

3. The separate identity of the Philippine Army was expressly recognized by the Congress of the United States in that separate appropriations have been made for its operation and maintenance.



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FILE NO. GSXRP SUBJECT: Claims of Quartermaster Supply Depot  
Employees.

(1) FROM: OIC, Civilian Section TO: Director DATE: 8 April 46  
RPD

1. We have approximately 610 claims from the island of Cebu by persons claiming employment with the Quartermaster Supply Depot for the dates 8 December 1941 to 10 April 1942.

2. The entire project was not centered in one place but was carried on in several towns throughout the island of Cebu. Although there was some work accomplished during previous months, the vast share of the hauling of supplies took place during March 1942, up until the invasion on 10 April 1942.

3. a. GREGORIO ILLINES, Labor Supervisor states in his affidavit:

"The nature of this work was to supervise the hauling of USAFFE supplies, Materials and War Ammunitions. I hired my men under my control. I was employed as Labor Supervisor from 16 March 1942 to 7 April 1942."

b. LUIS BACUS, capataz, states:

"My job started on 29 March 1942 and ended 7 April 1942 because there were no more supplies."

c. RUSTICO HOIGANZA, Capataz, states:

"I was employed by Lt. Iway of the 82nd Inf. for hauling food supplies from the main road to the hills of Balerong. That the food supplies were stored in the hills so in case of invasion the enemy would not have access to it. The job in Balerong ceased because we had no supplies to handle."

d. CATALINO GIMENEZ, capataz, states:

"I hired men under my control. This job was done under the Cabo system. There were great changes among my men."

4. In view of the above statements and the statement of the Chief Capataz that as a general rule the Cabo system was practiced, and that the QM Supply Depot was an emergency project, hiring men on an emergency status, it is recommended that the employees on this project be considered as intermittent, part time or casually hired and therefore not entitled to benefits under the Missing Persons Act.

5 Incls

S. J. S.

C O P Y



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FILE NO. GSXRP SUBJECT: Claim of Airfield Construction Workers  
on Cebu MMH/ret  
FROM: Dir, Rec Pers Div TO: OIC, Civilian Sec DATE: 15 May 46  
Rec Pers Div

Attention is invited to preceeding C/N which is approved. Attention is also called to C/N 3 dated 15 May 1946 to your C/N 1 dated 25 April 1946, subject: Claims of Engineers, Cebu, P. I. A parallel situation exists in both of these cases. It is therefore directed that all of these cases which are clearly not entitled to benefits of the Missing Persons Act be adjudicated in accordance with the directives above. Until further instructions those cases of engineers and timekeepers whose employment by the United States forces is in doubt will be suspended for the time being. A directive covering the adjudication of this personnel will be given to you within the next 10 days.

3 Incls: n/c

M. H. M.

C O P Y

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FILE NO.

SUBJECT:

(2) FROM: Legal Officer

TO: Director, RPD

DATE: 14 May 46

1. I concur that laborers hired on the project under the cabo system should be classified as local labor casually hired on a per diem basis.

In view of the fact that these projects were apparently under the Bureau of Public Works I believe the determination should include a statement that evidence available indicates that employees were employees of the Philippine Army.

2. Recommend that determinations be handled in these cases the same as those of employees covered by C/N on other Engineering Projects on Cebu.

3. I do not concur in determining that all Engineers and Timekeepers were employees of Bureau of Public Works at present time. If facts show they were employed and paid as employees of the Bureau of Public Works such a determination is clearly proper. Others were apparently paid on Army Payrolls (see statement of Mr. Panis attached to C/N on engineers). It is my belief that further investigation will reveal that all were being paid from Philippine Army or Commonwealth Funds, but the available evidence does not clearly establish such fact.

4. Recommend suspension of cases involving individuals who were not laborers hired on the cabo system and those who worked continuously for 30 days or more and until enemy action terminated employment, until additional information is obtained and evaluated.

3 Incls: n/c

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It should be determined that he was an employee of the Philippine Army and not an employee of the War Department within the Missing Persons Act. Other pertinent reasons should also be stated such as (Part time employment, intermittent employment or local labor casually hired per diem basis).

f. That determinations in all cases where the evidence does not establish casual or intermittent employment or clearly establish employment by a PA unit be suspended temporarily while additional evidence is obtained as to whether funds being used were funds appropriated for the Philippine Army and whether any of the projects were actually under direct control of the U. S. Army.

13 Incls: n/c

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to be civilian employees of the War Department but to be intermittent employees not within the provisions of the Missing Persons Act.

e. Employees of the civil government of the Commonwealth of the Philippines or a subdivision thereof are not employees of the Philippine Army of the War Department and the fact that they temporarily performed services for the military forces does not change their states.

6. The evidences available indicates that most of the employees referred to in basic C/N were employees of the Philippine Army or the civil government since they were employed by the District Engineer but in my opinion this can not be assumed in all cases.

7. I therefore recommend that:

a. All Persons employed under the "cabo" system on a per diem basis be determined not to have been War Department Employees within the provisions of the Missing Persons Act for the following reasons:

(1) Evidence available this headquarters indicates subject was employed by the Philippine Army or the Civil Government of the Commonwealth and is insufficient to establish subject was employed by the War Department.

(2) Subject was local labor casually hired on a per diem and would not be a civilian employed entitled to the War Department.

b. All persons who worked less than 30 days be determined not to be civilian employees of the War Department for the same reasons.

c. That all persons who worked at intervals which amounted to more than 30 days but less than 30 days at any one time be determined not to be civilian employees of the War Department entitled to the benefits of the Missing Persons Act for the following reasons:

(1) Same as a (1) above.

(2) Subject would be a part time or intermittent employee if employed by the War Department.

d. That employees of the District Engineer who were paid by the Commonwealth be determined not to be War Department employees but to have been Commonwealth Employees.

e. Where claim or evidence shows conclusively that claimant was employed by a Philippine Army unit, installation or activity.



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The fact that a unit was commanded by an American officer would not mean that an employee of such unit was not an employee of the Philippine Army as there were various units of the Philippine Army which were commanded by American Army Officers, and there were various U. S. Army Officers and enlisted men on detached service with Philippine Army units.

4. The forces in the Southern Islands were originally under the command of General Sharp, and his headquarters was designated as Headquarters Visayan-Mindanao Forces. Apparently these forces were later divided into the Mindanao Force and the Visayan Force. Little information is available to this Division as to the number of U. S. Army units, installations and projects in the Southern Islands. It is possible that some of the installations and projects were U. S. Army and/or were being financed out of U. S. funds and not the special Philippine Army appropriation. However, it will be noted that Mr. Panis states that laborers on army projects were paid by Capt. Villacastin, Finance Officer, USAFFE, except some of his engineers who preferred to collect their salaries from the government. Mr. Lanas states he was Construction Engineer for USAFFE Defense Projects with 82d Inf Regiment and had about 1000 men working for him. The 82d Inf Regiment was a PA unit. He states that Lt. Col. Egdamio David was in charge and took his orders from Col Erwin Scudder. This quite clearly indicates that the employees under him were employees of the Philippine Army. It should also be noted that laborers were hired under the "cabo" system, which appears to be a system wherein a capataz hires and fires the employees and collects and distributes the pay in many cases. This is a custom or system of employment that is local in character which indicates that the projects were being carried on under Philippine Law and by Philippine agencies of the Philippine Army.

5. In view of the foregoing it is my opinion:

a. An employee of the Philippine Army is not a "civilian employee" of the War Department within the meaning of that term as used in the Missing Persons Act.

b. A laborer hired on a per diem wage under the "cabo" system of employment is not a civilian employee of the War Department as defined in the Missing Persons Act but would be local labor casually hired.

c. An employee who worked for less than 30 days would not be civilian employee of the War Department within the meaning of the Missing Persons Act in absence of evidence clearly indicating that the individual was hired for an indefinite period of time and intended to be retained as a permanent part of the U. S. military establishment for an indefinite period.

d. Employees who were hired on a per diem basis and who actually worked more than 30 days but the 30 days consisted of intermittent periods of employment should not be considered,



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3. The majority of the troops in the southern Islands appear to have been Philippine Army Units. These units having been called into service of the Armed Forces of the United States have been commonly referred to as "USAFFE" from the beginning. Therefore, although, a person, alleges in his claim that he was employed by USAFFE it does not mean that he was not actually an employee of the Philippine Army, and being paid by Philippine Army Finance service Officers from the appropriation for the operation and maintenance of the Philippine Army.



of the Dept. QM Const. Officer, Philippine Department,  
(TAB O.), which reads:

"1. Referring to the employment of laborers, semiskilled laborers, capataces, foremen and technical assistants which you were authorized to employ to assist you in the construction of the buildings in your respective areas, the following second indorsement is hereby quoted:

"AGS (Ex.Div.) 201-Pineda, Irineo (Civ) 2nd Indorsement PHILIPPINE ARMY HEADQUARTERS, Manila, October 11, 1941. To: The Commanding Officer, Casual Det. USAFFE, PA Headquarters, Manila. In view of the authority granted by His Excellency, the President in 5th indorsement of October 1, 1941, copy attached, authorizing the employment by the Philippine Army, without issuing formal appointments, of building inspectors, draftsmen, foremen, and skilled laborers at more than ₱3.00 but not exceeding ₱5.00 per day, payable from the ₱2000,000.00 authorized in the letter of August 11, 1941 of the Office of the Commanding General, United States Army Forces in the Far East, it is believed that the issuance of formal appointment to Mr. Pineda is not necessary. For the Chief of Staff" (Sgd.) LUIS RAMOS, Colonel, A.G.S. The Adjutant General, Encl. 5th Indorsement of October 1, 1941."

The indorsement referred to above, was the reply of the Hq Philippine Army to a letter from the "USAFFE" Constructing Officer, Cabanatuan area, 1st Lt. Eduardo R. Escobar, CE-RES "USAFFE".

d. Promotions of member of the Philippine Army announced in USAFFE Special Orders, after the outbreak of the war, contained the phrase "By Direction of the President of the Commonwealth of the Philippines" indicating that the Philippine Army retained its identity after the outbreak of the war in accordance with the plan.

2. In view of the foregoing it appears that employees of the Philippine Army were employees of the Philippine Commonwealth and not employees of the U. S. Army. Section VIII of the War Department plan expressly states that employees of the Commonwealth are not within the provisions of the Missing Persons Act.

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FILE NO. . . . . SUBJECT: Claims of Engineers, Cebu, P.I.

2 FROM: Legal Officer . . . . . TO: Director, RPD . . . . . DATE: 14 May 46

1. In addition to the letter from General Fitch pertaining to the use of funds appropriated to pay, maintain and operate the Philippine Army attention is directed to the following:

a. At page 16 and 17 of publication entitled, The Philippine Army: Its establishment, organization and legal basis, it is said that shortly after General MacArthur assumed command of USAFFE, he issued a statement in which reads in part:

"The general plan for the integration of all the armed forces in the Philippines has been formulated by General MacArthur." x x x "The plan envisions an immediate construction program at strategic localities to house the thousands of reservists involved as well as the intensive development of new air fields for the rapidly expanding air forces. All Philippine elements which come under American control will maintain their national integrity. They will retain their own uniforms, their own scale of pay, their own promotion list, their own rations, and their own code of military law. Their training, however, will be under the immediate direction of the officers of the American Army. On muster into the American service they will be paid and supplied from American sources."

b. In a letter to 1st Lt. Arsenio Imperial dated 2 Sept. 1941, the Adjutant General, USAFFE, stated:

"The United States government has adopted the policy of using the agency of the Philippine Army in the employment of the manpower of the Philippines. The Philippine Army, retaining its own identity, will serve side by side with the United States under a single command." (underscoring supplied)

c. The construction referred to in the plan announced by General MacArthur was started prior to the outbreak of the war. Apparently it was under the direct supervision and control of a liaison section designated as Philippine Army Section in each staff section of the United States Headquarters. This conclusion is based upon copy of memorandum 24, 15 October 1945, Office



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FILE NO.

SUBJECT:

(1) FROM: OIC, Civ Sec TO: Director, Rec Pers Div DATE: 25 Apr 46

II of the Military Laws of the United States, dated 31 December 1942, page 444 is inclosed marked as Exhibit M.

4. In view of the above information it appears that all construction activities in southern islands were that of the Philippine Army, Commonwealth Government, and not United States Government activities. The troops stationed in these islands were Philippine Army with some American officers in command of them and few in key positions. It will be noted that practically all employees were paid on General Form No. 7(a) (Time Bank and Pay Roll) which indicates to be a Commonwealth payroll.

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FILE NO. SUBJECT: Claims of Engineers, Cebu, P. I.

FROM: OIC, Civ Sec TO: Director, Rec Pers Di DATE: 25 Apr 46

should also be noted the "statutory laws of the United States hereinafter enacted shall not apply to the Philippine Islands except when they specifically so provide or it is so provided or it is so provided in this Act" (48 United States Code 1002).

(2) Prior to the enactment of the emergency legislation cited above, monies made available in the Military Appropriation act could not legally be expended for Philippine Army operations when such expenditures involved a cost to that appropriation or any other cost over and above that was necessary to carry on the regular army functions (Section 2135, Digest of Opinions of the Judge Advocate General of the Army, 1912-1940). Accordingly, a limited sum of the funds used in the payment of civilian employees in the Philippine Army could be considered as appropriated monies of the United States, but qualified to the extent that such appropriated monies are for the purpose of assisting the Commonwealth of the Philippines in maintaining its army. Cognizance should be taken that the Commonwealth of the Philippines appropriates from its own sources funds to meet current expenses in the governmental branches.

(3) Disbursements made from the above mentioned sources are expended by Philippine Army disbursing officers in accordance with Philippine Army laws and regulations. To some extent, the Commanding General, United States Army Forces in the Far East, may administratively review expenditures made by Philippine Army disbursing officers, in accordance with Executive Order 9011. Generally speaking, however, such funds are managed, controlled and accounted for by the Commonwealth.

c. Are these persons regarded by the United States Army as employees of the United States Army or as employees of the Philippine Army?

(1) From the information furnished in reply to question a. above, it may readily be seen that Philippine Army civilian employees are not accorded the statutory rights granted United States civilian employees and as outlined above, the funds used in payment of services rendered would in the ordinary sense be considered as Philippine Army appropriations, therefore the United States Government could not consider employees under the Commonwealth of the Philippines direct control as employees of the United States Army. Extract of Supplement



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FILE NO. SUBJECT: Claims of Engineers, Cebu, P.I.

FROM: OIC, Civ Sec TO: Director, Rec Pers Di DATE: 25 Apr 46

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(1) To provide a complete background in connection with the funds appropriated by the U.S. Government for used in the Philippines, it becomes necessary to trace the origin of such funds currently being used to the Independent Offices Appropriation Act, 1942 (Public Law 28,78th Congress) approved 5 April 1941, appropriating monies for "Emergency Funds for the President". This legislation enabled the President of the United States to make funds available for emergencies affecting national security extent at that time. This appropriation was continued in the First Supplemental National Defense Appropriation Act, 1942 (Public Law 353-77th Congress), under the heading entitled "Army of the Philippines", and provided that any expenditures heretofore or hereafter made from said appropriation, "Emergency Funds for the President", for the purposes and in the manner authorized under the heading in the Act are hereby authorized and validated. Funds made available by this Act to the Commonwealth of the Philippines are for the operation and maintenance of the Army of the Philippines, including the expenditures incident to pay, allowances, operation, maintenance, and other activities of units and personnel of the Philippine Army. Expenditures could be made without regard to the provisions of law regulating the expenditure of, or the accounting for, funds of the United States, but shall be expended in a manner prescribed by the President of the United States. (Executive Order 9011, 3 January 1942). Funds provided for in the above cited appropriation acts are advanced to the Commonwealth of the Philippines and are accounted for by the Commonwealth without reference to laws and regulations of accounting for public funds of the United States. In this connection it

23



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FILE NO. GSXRP SUBJECT: Redetermination of Pending Cases

(2) FROM: Dir, Rec Pers Div TO: Chief DATE: 18 Mar 46  
Civilian Section

1. Pursuant to our conference this date the following answers are given to the questions posed in Check Note #1.

a. Reference Paragraph 2: All cases should be determined completely under one policy or the other. To determine a man's pay under the old policy and his longevity and retirement benefits under a new policy would be wholly incongruous and would result only in confusion in the minds of both the Adjudicators and the claimants. Therefore, it is directed that all cases which have been paid under the old policy will be completely adjudicated for other benefits under the old policy. Those which have not been paid under the old policy will be completely adjudicated under the new policy.

b. Reference Paragraph 3.a: This is answered by (a) above.

c. Reference Paragraph 3.b: The answer is "No".

d. Reference Paragraph 3.c: None. These cases should be adjudicated according to policies already established which determine whether the claimant is in a casualty status under the Missing Persons Act or not.

e. Reference Paragraph 3.d: No. This would be in violation of the theory stated in (a) above.

f. Reference Example c.: Under present policies the over-payment is due the government and should be collected. However, authority has been requested of G-1, AFWESPAC to change this policy so that collection of the over-payment will not be necessary. All cases of this character should be held in suspense until this policy is clarified.

g. Reference Paragraph 6: Erroneous payments made to a civilian claimant can be collected from pay due him from other sources. This should be coordinated with the Finance Section.

2 Incls - n/c

M. H. M.

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