

DECLASSIFIED  
Authority 883078

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NEGATIVE MILITARY SERVICE DETERMINATIONS  
APPEALS RE

PA - 19

ROUTING SLIP		NEVER USE FOR APPROVALS, OR APPROVALS, CONCURRENCE, OR WITH IT	
TO	INITIALS	DATE	
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1 CIV COM.	MB		
Chief, ADP Office			
2 Chief, Night Office	BRM		
Quality Control			
Chief, Admin Svcs Cfc			
Office Svcs Branch			
Malf Branch			
Chief, Civ Pers Office			
Fin & Acctg Officer			
3 Chief, Ref Svcs Div	Rew.		
Chief, Archives Div			
Chief, Res Pers Div			
OIC, Ent Elig Activity			
Library (Rm 4065)			
4. Mr. Mochris, <sup>cont</sup> Spec Act Br.			
5. Mr Gese			
ATTN:	}		
SUSPENSE DATE:			
REMARKS:			

CHECK FOR UNDESIRABLE

1 INFORMATION	SIGNATURE	NOTE AND RETURN	File
2 CIRCULATE	3	SEE FILE	TO
FROM			Comments

B. Porter 24 Jan

Office of the Commanding Officer



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON 25, D.C.

JAN 17 1963

PUBLIC AFFAIRS

Dear Mr. Estacio:

Through the numerous inquiries directed by you to this office, we are aware of your earnest and dedicated efforts to be of help to your fellow citizens who may be entitled to benefits because of World War II service in the United States Armed Forces.

Therefore, to facilitate more expeditious handling of your inquiries, we request that all future correspondence be directed to the Commanding Officer, U. S. Army Records Center, 9700 Page Boulevard, St. Louis 32, Missouri. This procedure will avoid delays in administrative processing, since your inquiries pertain to evidence which may or may not be substantiated by official Army records. Replies will be sent to you directly by the Records Center, which has been delegated authority to make determinations.

In a further effort to assist you, we would like to offer the following points for your consideration in forwarding future inquiries to the Center, based on our review of many replies sent to you concerning the validity of specific evidence submitted:

1. The primary requirement for establishing guerrilla service is the appearance of a person's name on an approved troop or casualty roster or an individual letter of recognition issued by the Guerrilla Affairs Division, Philippines Ryukyus Command. Secondary evidence cannot be accepted as proof of recognized guerrilla service. The guerrilla recognition program terminated June 20, 1948 and, subsequent to that date, no authority exists to alter, amend or modify previous decisions.
2. Government agencies of the United States and of the Republic of the Philippines are separate and individual agencies; therefore, a military service certification made by a governmental agency of the Philippines has no bearing on a service determination made by the United States Department of the Army.
3. Payment of benefits by the Philippines Veterans Bureau based on its laws has no bearing on service certifications made by the Department of the Army for benefits provided by laws of the United States and administered by the Veterans Administration.

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- 2 -

We know that you will continue your sincere efforts to establish rightful claims, and have decided on this method of handling future inquiries to assist you in obtaining determinations more quickly.


The procedure has been discussed with the National Headquarters, Disabled American Veterans, Washington, D. C., and it was agreed that, should any special problem areas arise in this regard which are referred by you to National DAV Headquarters, we will cooperate fully in working out solutions.

Sincerely,

  
JOHN E. GARLAND  
Director, Special Activities

Mr. Nicolas B. Estacio  
Commander  
Disabled American Veterans  
Philippine Department  
McKinley Chapter No. 2  
Makati, Rizal, Philippines

cc: Army Cinfo; Mr. Robert Dove, DAV Hqs; U. S. Army Records Center,  
St. Louis



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HEADQUARTERS  
8133D ARMY UNIT  
ADJUTANT GENERAL RECORDS DEPOSITORY  
APO 928

AGRD-SC

22 June 1951

The Manager, Manila Regional Office  
U.S. Veterans Administration, USVA Bldg.,  
Escolta and David Streets, Manila  
(ATTENTION: Mr. J. E. Palmer)

Dear Mr. Palmer:

Reference is made to your letter dated 18 June 1951, requesting comments on a proposed reply by your office to appeals of claimants whose claims have been disallowed because of negative determinations for military service certified by this headquarters.

One of the purposes of the proposed letter appears to be to inform claimants that a favorable service redetermination by this headquarters is absolutely necessary before your office may entertain appeals on negative cases. Accordingly, claimants are instructed to submit evidence of service to this headquarters. This will, in effect, shift the burden of deciding, in the first instance, appeals on negative cases from your office to this headquarters. Inasmuch as your office cannot reconsider a decision disallowing a negative case so long as the service determination made by this headquarters remains negative, no objection is interposed to the general principle of the procedure outlined in your proposed form letter.

It is noted that the proposed letter is applicable only to death cases. Our comments and suggestions are therefore predicated on this basis.

After a careful study of your proposed letter, as worded, it has been concluded that the letter is intended for use on all death cases where a negative determination for service was certified by this headquarters. However, it is believed that its use on all such negative cases, indiscriminately, is not appropriate. There are certain negative cases which are hopeless. That is to say, no amount of new and material evidence submitted to this headquarters can change our prior negative certification. I am referring to cases of unrecognized guerrillas whose alleged service was rendered only in a guerrilla unit. These cases are easily segregated from other cases, as your office has been doing in the past. As you know, this headquarters has no authority to grant them recognition, the indispensable requisite for valid military

AGRD CENTRAL FILES COPY

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22 JAN 1951

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U.S. GOVERNMENT PRINTING OFFICE

APRD-100  
100-100000

Ltr to Mr. Palmer re proposed VA ltr to appeals of claimants.

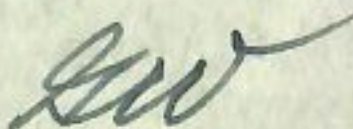
service in such cases. Therefore, instructing the claimants concerned to submit evidence to this headquarters will only result in unnecessary administrative burden. It is believed best to inform those claimants that no further action may be taken on their cases and that further correspondence with your office or with this headquarters will serve no useful purpose.

On the other hand, where the military service claimed was rendered with the USAFFE prior to 7 May 1942, our negative service determination is invariably based on lack of sufficient proof of service. Consequently, the submission to this headquarters of new and material evidence in such cases may result in a favorable redetermination of service. For this reason, it is suggested that the proposed letter be used only on negative cases where the alleged military service was rendered with the USAFFE prior to 7 May 1942.

The proposed letter, as previously observed, instructs claimants to submit to this headquarters new and material evidence which they believe may be sufficient to establish the service claimed. However, the claimants are not furnished definite information as to the nature or type of evidence required by this headquarters. Your office is not of course expected to be in a position to do that. But without the information, recipients of your proposed letter may either follow the instruction as they see fit and submit, piece meal, unacceptable evidence, or they may first request the information from this headquarters. In either event, this headquarters will be compelled, out of courtesy to claimants, to conduct multiple examination and review of their cases. This may be avoided if the proper information can be transmitted to claimants together with your proposed letter. The information referred to is contained in a one-page Instruction Sheet (AGRD VB Form #54), which is a detailed outline of the requirements necessary to establish service in the USAFFE. This form can be conveniently attached as an enclosure to the proposed letter. Receipt of the Instruction Sheet by claimants will give them a fair opportunity to comply with our requirements if their claims are indeed meritorious.

A re-draft of your proposed letter has been formulated by this headquarters in order to clarify the foregoing comments and suggestions. If your office is agreeable to the same, this headquarters will furnish you sample copies of the Instruction Sheet (AGRD VB Form #54). This form carries no security classification, and may be reproduced by your office as desired.

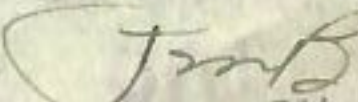
Sincerely yours,



GRADEN C. WATERS  
Colonel, Infantry  
Commanding

2 Incls:

1. Proposed letter, VA
2. Re-draft by AGRD



P. M. BAKEN  
Major Inf  
Chief Vets Br



TO: DIRECTOR, FBI  
FROM: SAC, [illegible]  
SUBJECT: [illegible]

COMMUNIST  
INFLUENCE  
[illegible]

[Handwritten signature]

CHIEF, FBI  
WASHINGTON, D.C.  
JUN 22 1951  
AGRD

[Faded typed text, likely the first paragraph of the letter]

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UNITED STATES  
VETERANS ADMINISTRATION  
ESCOLTA AND DAVID STREETS  
MANILA, PHILIPPINES

DECLASSIFIED  
Authority 883078

June 18, 1951

YOUR FILE REFERENCE:

IN REPLY REFER TO: 3058-8

Colonel Graden C. Waters  
Commanding Officer  
Adjutant General Records Depository  
PHILCOM (AF), APO 928

ATTN: Major Eugene Rinaldi *ER*

Dear Major Rinaldi:

This office is receiving appeals from negative military service determinations.

Attached is a draft of a form letter that we propose using in these cases. It will be appreciated if you will study the draft for the purpose of making any comments you deem in order thereon.

Sincerely yours,

J. E. PALMER  
Adjudication Officer

Encl.

0501

...the number of ...  
...the number of ...

0201



POST

ADMINISTRATIVE OFFICER  
J. E. ...

...

...for the purpose of ...  
... If you ...

...determinations.  
...office to ...

...:

NAME: ...

... (VA) ...  
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JUN 18 1961



UNITED STATES  
VETERANS ADMINISTRATION  
WASHINGTON, D.C.

U.S.  
VETERANS ADMINISTRATION  
Regional Office  
U.S. Veterans Administration Bldg.,  
Escolta and David Sts.  
Manila, Philippines

In reply refer to: 3058-8B

~~XC-~~  
MRO-

Dear

This refers to your letter (with enclosures) expressing a desire to appeal from the decision disallowing your claim for monetary benefits.

The decision reached by our Central Office was based upon a certification made by the Department of the Army. This determination reads as follows: "Subject individual had no recognized guerrilla service nor was he a member of the Commonwealth Army in the service of the Armed Forces of the United States."

The Veterans Administration is bound by the Army determination of negative service.

No further consideration can be given your claim unless this office receives a recertification from the Army showing that the subject individual rendered valid military service with the Armed Forces of the United States. Accordingly, your letter, with enclosures, is being returned to you.

If you have any new and material evidence which you believe may establish valid military service with the Armed Forces of the United States on the part of the subject individual, you should forward it to:

Commanding Officer  
Adjutant General Records Depository  
PHILCOM (AF)  
Palma Hall, Padre Faura St.  
Manila

You must understand, however that the Army will not review its prior certification if the evidence submitted is a duplicate or a repetition of evidence previously considered.

Very truly yours,

J. N. PALMER  
Adjudication Officer

COPY

*Ind 1*

U.S.  
VETERANS ADMINISTRATION  
Regional Office  
U.S. Veterans Administration Bldg.,  
Escolta and David Sts.  
Manila, Philippines

DECLASSIFIED  
Authority 883078

In reply refer to: 3058-8B

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Adjudication Officer

COPY

*Ind 1*

U. S.  
VETERANS ADMINISTRATION  
Regional Office  
U. S. Veterans Administration Bldg.  
Escolta and David Sts.  
Manila, Philippines

DECLASSIFIED  
Authority 883078

In reply refer to: 3058-8B

XC-  
MRO-

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The Veterans Administration is bound by the Army determination of negative service.

No further consideration can be given your claim unless the Army reconsiders the above determination and recertifies to this office that subject individual rendered valid military service with the armed forces of the United States. Accordingly, your letter, with enclosures, is being returned to you.

If you desire to have the Army's determination reconsidered, send a written request to:

Commanding Officer  
8133d Army Unit  
Adjutant General Records Depository  
APO 928

Your request must be accompanied by new and material evidence which you believe may establish subject individual's alleged military service in the United States Army Forces in the Far East (USAFFE) prior to May 7, 1942. Enclosed herewith is a copy of Instruction Sheet (AGRD VB Form 54), which will guide you as to the proof required by the Army.

In submitting your request to the Adjutant General Records Depository, cite this letter and the enclosed instruction sheet. You must understand, however, that the Army will not review its prior certification if no material evidence is submitted or if the evidence submitted is a duplication or repetition of the evidence previously considered.

Very truly yours,

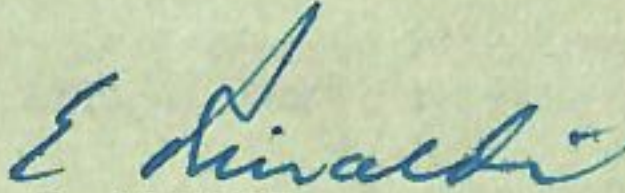
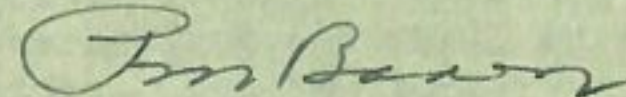
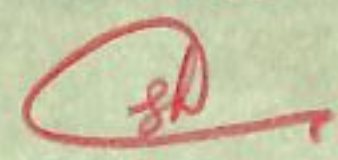
J. E. PALMER  
Adjudication Officer

*Ind 2*

# DISPOSITION FORM

SECURITY CLASSIFICATION (If any)

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FILE NO.	SUBJECT		
	Proposed VA Letter re: Appeals.		
TO	FROM	DATE	COMMENT NO. 1
Director, S&C Div. AGRD	Executive Officer, AGRD	19 June 51	
<p>1. The attached correspondence was noted by Commanding Officer, AGRD, and is referred to your office for necessary action.</p> <p>2. Refer to previous correspondence regarding this matter, some of which contained objections to the methods and terminology desired to be employed by MRO, USVA. Note that the letter apparently only applies to deceased cases.</p> <p>3. Request reply prepared for signature of Commanding Officer, AGRD, be expedited.</p>			
1 Incl:	 E. RINALDI Major AGC Executive Officer		
VA Ltr, 18 June 51			
TO: Executive Officer, AGRD	FROM: Dir, S & C Div	22 June 51	
<p>1. Attached letter is for your approval and signature of the CO, AGRD.</p> <p>2. Inclosure #3 is attached only for reference of the CO. The proposed Revised Form #54 is still under consideration of the Management Unit.</p>			
2 Incls:	 P. M. BAKEN Major INF Dir, S & C Div		
1. Proposed ltr to VA			
2. Proposed VA ltr to appeals of clmts.			
<p>CO <i>Recommended signature</i></p> 			

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HEADQUARTERS  
8133RD ARMY UNIT  
ADJUTANT GENERAL RECORDS DEPOSITORY  
APO 928

AGRD-VA 201 - PLAZO, Josefino C.  
XC- 16 599 298

4 March 1952

Miss Maria C. Plazo  
160 Carola Street  
Sampaloc, Manila

Dear Miss Plazo:

This has reference to your letter of 8 January 1952, regarding your claim for benefits based on the alleged USAFFE service of Josefino C. Plazo.

This headquarters has spent a great deal of time in the study of this case because it would appear, on first examination, that the case has merit. However, detailed examination shows that our present determination that Josefino C. Plazo had no service that could be considered valid service as a member of the Philippine Commonwealth Army while in the service of the Armed Forces of the United States still warrants no change.

The enlistment record submitted by you establishes that Josefino Plazo enlisted in the Philippine Army in December, 1938. Extract of Special Orders No. 176, Headquarters 5th MD, dated 17 Dec 40, establishes that the subject was an enlisted man in the Philippine Commonwealth Army as of that date. Extract of Special Orders No. 45, 5th MD, dated 15 Mar 41, establishes that the subject was still an enlisted man in the Philippine Army on that date. The two letters purportedly written by the subject in 1941 are of little evidential value, although they might be considered to show that he was still in the service of the Philippine Commonwealth Army in September 1941.

From the consideration of the evidence discussed above, it is apparent that the subject's identity as a member of the Philippine Commonwealth Army during the years 1939, 1940 and part of 1941 has been established without doubt. However, this headquarters is concerned only with service which is rendered as a member of the Philippine Commonwealth Army while in the service of the Armed Forces of the United States.

Up to the present, you have failed to submit any documentary evidence to establish that the subject was actually a member of the USAFFE. The affidavits submitted by you have been unacceptable due



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to lack of qualifications of the affiants, two of whom have claimed to be in "B" Co, 51st Engrs. together with the subject, but whose own service records show membership in another company. The third affiant claims to be aware of the induction of the subject but his own record shows that he himself was not inducted until several months later than the date claimed for the subject. Furthermore, this third affiant has a record that is obscure as to the actual dates and places of service prior to his appearance on Bataan with the Reserve Officers Pool.

It is a policy of this headquarters to give the closest scrutiny to affidavits presented in support of claims for military service and to compare them very carefully with the records of the affiants. Whenever the affiants are shown to be incompetent or to have made statements that are materially different from their own records, their affidavits are not considered acceptable. This is what has happened in the case of the affidavits submitted by you.

Should you, however, have acceptable documentary evidence which would indicate that Josefino Plazo was actually inducted into the USAFFE and rendered actual service therein, this headquarters will be glad to give the case further study. There seems little chance however, that further affidavits would be of much value in this case unless substantiated by actual records.

Sincerely yours,

/s/t/ W. A. JOHNSON  
Capt, AGC  
Asst Adjutant

C O P Y

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Authority 883078

HEADQUARTERS  
ADJUTANT GENERAL RECORDS DEPOSITORY  
8133RD ARMY UNIT  
APO 928

AGRD-R

Mrs. Tuegan (one name)  
Regional Office  
Northwest Luzon Veterans  
San Fernando, La Union

Dear Mrs. Tuegan:

Reference is made to your letter of 29 April 1952, wherein you make reference to a letter of the US Veterans Administration disallowing your claim for gratuitous insurance and death compensation on the ground that the Department of the Army reported that your late son was not a member of the Armed Forces of the United States. You also submitted a diploma dated 15 June 1940 which you allege is "new and material evidence".

Please be informed that the diploma you submitted is not proof that your late son was a member of the USAFFE. While it is proof that he completed the five and one-half months course of trainee instruction, it does not establish the fact that he was called to active duty, inducted, and actually served as a member of the Philippine Commonwealth Army in the service of the Armed Forces of the United States (USAFFE).

In accordance with your request, your late son's diploma is being returned.

It is regretted that a more favorable reply cannot be made.

Sincerely yours,

1 Incl  
Diploma

J. F. MILLER  
1st Lt AGC  
Asst Adjutant

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HEADQUARTERS  
8133RD ARMY UNIT  
ADJUTANT GENERAL RECORDS DEPOSITORY  
APO 928

AGRD-VA 201 - TOLERO, Prudencio  
(D-46035)

Mr. Lauro I. de Leon  
Balanga, Bataan  
Philippines

Dear Mr. De Leon:

This has reference to your letter of 30 August 1951 which was tendered to us by Josefa Tolero, claimant widow, in the case of above captioned individual.

A search of subject's file and of our records of correspondence with this claimant fails to reveal that any statement was made indicating that the affidavits executed by yourself or Federico Lumbré were "of no value". Claimant was merely asked to "submit more proof of guerrilla service other than affidavits executed by Lauro I. de Leon and Federico A. Lumbré". This is not a declaration that the affidavits already submitted are of no value but that other information is required in this particular case.

In this instance, the necessity for additional evidence arises from contradictory statements regarding the period of active guerrilla service in the claim papers executed by the claimant, in evidence collected by field investigation and in the affidavits on file. This procedure is also in line with AGRD policy in evaluating the exact type of service performed - a necessary concomitant to certification for U.S. Veterans Administration purposes - which is a procedure not limited by the rules of the former Guerrilla Affairs Division, AFWESPAC, or the Arrears in Pay program of Recovered Personnel Division, PHILCOM, even though basic records of these former agencies are used as a starting point.

For your information, there is attached hereto a copy of our standard instruction sheet to claimants on the matter of proof of guerrilla service. It is hoped that this will assist you in understanding our requirements.

Sincerely yours,

1 Incl.  
AGRD VB Form #55  
(18 Aug 50)

E. RINAIDI  
Lt Col AGC  
Executive Officer

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Authority 883078

# CASUALTY REPORT PROJECT

ADM - 14