

**FOREIGN CLAIMS SETTLEMENT COMMISSION
GUAM CLAIMS PROGRAM PURSUANT TO THE GUAM WORLD WAR II
LOYALTY RECOGNITION ACT, TITLE XVII, PUBLIC LAW 114-328
(DECEMBER 23, 2016)
INSTRUCTIONS FOR COMPLETING
STATEMENT OF CLAIM (FCSC-2 and FCSC-2C)**

Please read these instructions carefully.

STATEMENT OF CLAIM

Pursuant to the Guam World War II Loyalty Recognition Act, Title XVII, Public Law 114-328 (December 23, 2016) (Guam Act or Act), the Commission has been authorized to adjudicate certain claims arising from the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces. Claims for compensation under the Act must be submitted to the Commission using the Statement of Claim form, which is available in both English and Chamorro (forms FCSC-2 and FCSC-2C respectively). The Statement of Claim form can be downloaded from the Commission's website and completed using either Adobe Reader or Adobe Acrobat. The Statement of Claim must be completed, printed, signed, and submitted by mail to the Foreign Claims Settlement Commission, 600 E Street N.W., Room 6002, Washington, D.C. 20579. (For claimants without online access, a hard copy of the form will be mailed upon request.) The claimant should complete all sections of the Statement of Claim that apply to his or her claim.

DEADLINE FOR SUBMITTING CLAIM

The deadline for submitting the Statement of Claim and all supporting documents and evidence to the Commission is June 20, 2018. If a claimant is unable to obtain supporting documents or evidence before the deadline expires, he or she must nevertheless submit the Statement of Claim and any available evidence by the filing deadline.

A claimant must file the Statement of Claim before the deadline for submitting a claim even if other papers, forms, or documents concerning the claim have been filed previously with the Commission, the Department of State, or any other agency or government.

ELEMENTS REQUIRED TO ESTABLISH A VALID CLAIM

The Guam Act authorizes compensation for claims submitted by (a) Survivors of a Compensable Guam Decedent and (b) Compensable Guam Victims. Claimants will be required to prove the following elements based on the type of claim submitted.

Survivor of a Compensable Guam Decedent:

To be eligible for a payment as a Survivor of a Compensable Guam Decedent, the claimant must establish the following:

- (1) the claimant was alive on the date of enactment of the Act, December 23, 2016;
- (2) the claimant is a survivor (i.e. spouse, child, or parent) of a resident of Guam who died as a

result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces (“decedent”); and

(3) the decedent’s death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79-224) if a timely claim had been filed under the terms of that law.

Compensable Guam Victim:

To be eligible for a payment as a Compensable Guam Victim, the claimant must establish the following:

(1) the claimant was alive on the date of enactment of the Act, December 23, 2016; and
(2) the claimant suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) rape or severe personal injury;

(B) forced labor or personal injury not amounting to severe personal injury;

(C) forced march, internment, or hiding to evade internment.

Pursuant to the Act, the Commission has promulgated regulations defining the terms “personal injury” and “severe personal injury.” The Commission’s regulations define those terms as follows:

Personal injury means a discernible injury (such as disfigurement, scarring, or burns) that is more serious than a superficial injury.

Severe personal injury means loss of a limb, dismemberment, paralysis, or any injury of a similar type or that is comparable in severity.

45 CFR §510.1

EXHIBITS AND DOCUMENTS IN SUPPORT OF CLAIM

The Guam Act provides that a claimant may establish a *prima facie* case of eligibility for a payment under the statute if the Statement of Claim form is accompanied by an affidavit that attests to all of the material facts required for establishing eligibility, including a detailed account of the injury or harm that the claimant alleges to have suffered and the level of payment sought. In order for a statement to qualify as an affidavit under the statute, it must be sworn or affirmed before a notary. The Statement of Claim form may be used as an affidavit for this purpose if it is executed before a notary public. Alternatively, claimants may submit a separate notarized affidavit with their Statement of Claim form.

The Statement of Claim refers to other evidence, which claimants may submit to further support their claims. While such additional evidence is not required, it is recommended that it be submitted especially in claims for personal injury, where the Commission may award differing levels of compensation based upon the severity of an individual’s injury.

DOCUMENTS SUBMITTED IN A FOREIGN LANGUAGE

Verified translations into English must accompany all documents written in a foreign language. The person making the translation must submit the following certification:

“I hereby certify that I am thoroughly familiar with the [-----] language; that I have read the attached document written in said language; and that the attached English translation thereof was made by me and is a true and accurate translation.”

Signed -----
(Translator’s Name)

(Translator’s Address)

REPRESENTATION BEFORE THE COMMISSION

A claimant may represent himself or herself before the Commission, or may be represented by an attorney. While the Commission’s regulations do not require claimants to have legal representation, attorneys who represent claimants before the Commission must be licensed to practice law in a State or Territory of the United States, or in the District of Columbia. Attorney’s fees for claims brought under the Act may not exceed 1% of the total amount paid on any award certified by the Commission.

CLAIMS PROCESS

The Commission will review the Statement of Claim in due course once it is filed and will advise claimants if more information is needed. After all information is submitted, the Commission will issue a Proposed Decision on the claim. A copy of the Proposed Decision will be sent to the claimant or, if the claimant is represented by an attorney, to the claimant’s attorney. Unless an Objection is timely filed with the Commission, the Proposed Decision becomes the Final Decision of the Commission 30 days after the Proposed Decision is delivered to the claimant or his or her attorney.

A claimant may file a Notice of Objection within 15 days of delivery of the Proposed Decision. The Notice of Objection should explain why the claimant believes the Commission erred in its decision, and should include any additional supporting evidence to be considered by the Commission. A claimant is also entitled to an oral hearing; requests for oral hearings must be made at the same time as the Objection. At the hearing, the claimant or claimant’s attorney may present arguments, additional evidence, and live statements by witnesses. The Commission will consider the Objection as well as the testimony and evidence presented at the hearing, if a hearing is held. The Commission will then issue its Final Decision on the claim. A copy of the Final Decision will be sent to the claimant or claimant’s attorney, as applicable.

After the Final Decision is issued, a claimant may request that the Commission reopen the claim if new evidence is discovered that could change the result reached in the Final Decision. The claimant must file the petition to reopen immediately upon obtaining the new evidence. No such petition will be entertained unless the following conditions are satisfied: newly discovered evidence came to the claimant’s knowledge subsequent to the date of issuance of the Final Decision; it was not for want of due diligence that the evidence did not come sooner to the claimant’s knowledge; the evidence is material, and not merely cumulative; and reconsideration of the matter on the basis of the evidence would produce a different decision.

PAYMENT OF CLAIMS

After a decision approving a claim becomes final, the Commission will certify the decision to the Secretary of the Treasury, who is authorized to make payments from the claims fund established under the Guam Act subject to the availability of appropriations.

FOR MORE INFORMATION

If a claimant has questions or needs help completing the Statement of Claim form, the claimant may call the offices of the Commission at (202) 616-6975, Monday through Friday, 9:00 a.m. to 5:00 p.m. Eastern Standard Time (EST). Claimants may also contact the Commission by e-mail addressed to info.fcsc@usdoj.gov. The Commission's mailing address is:

**Foreign Claims Settlement Commission
600 E Street, N.W. Room 6002
Washington, D.C. 20579**