

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 73-11

PROMULGATE RULES AND REGULATIONS GOVERNING THE VETERANS BONUS ACT

WHEREAS, Public Law 11-146 set forth certain bonuses to be granted to persons who served in military or naval forces of the United States during World War II, Korean Conflict and the Indo-China Conflict, and

WHEREAS, Public Law 11-146 directed that rules and regulations be adopted after procedures under the Administration Adjudication Act by Executive Order of the Governor, and

WHEREAS, the public hearing on the rules and regulations was held on February 23, 1973 and the rules and regulations were approved at the public hearing,

NOW THEREFORE, by the authority vested in me by Public Law 11-146, I, Carlos G. Camacho, Governor of Guam hereby promulgate the attached rules and regulations governing the granting of bonuses under Public Law 11-146, the same to be effective immediately.



Governor of Guam

COUNTERSIGNED:



Lieutenant Governor

Date Received: MAR 20 1973

KURT S. MOYLAN
Lieutenant Governor
Filing Officer

*Dist
3-23*

OFFICE OF VETERANS AFFAIRS

BONUS SECTION

GOVERNMENT OF GUAM

AGANA, GUAM

Public Law 11-116, Approved June 28, 1972

An Act concerning a Bonus for Veterans who served with the military or naval forces of the United States during World War II, in the Korean Conflict or the Indo China Conflict.

RULES AND REGULATIONS

Chapter I. PURPOSE

This policy is intended to define and implement the intent of the provisions of Public Law 11-116, to provide payment of bonuses to persons who served with the Military or Naval Forces of the United States during World War II, the Korean Conflict of the *Indo China Conflict.

Chapter II. COVERAGE

It shall be the policy of the Government of Guam to pay all qualified veterans a bonus which is declared a gift or ratuity made as a token of appreciation for service rendered by the veteran to the people of Guam in time of grave national emergency and is in no sense compensation for such service.

Chapter III. DEFINITIONS

- A. "Office of Veterans Affairs" means Bonus Section of the Office of Veterans Affairs, Government of Guam
- B. "Veterans Affairs Officer" means Veterans Affairs Officer of the Office of Veterans Affairs, Government of Guam.

*As defined in Section 101(29), Title 38, U.S. Code, i.e., "Vietnam era" beginning Aug 5, 1964

- C. "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components thereof.
- D. "World War II" means the period beginning December 7, 1941, and ending on December 31, 1946.
- E. "Korean Conflict" means the period beginning June 27, 1950 and ending January 31, 1955.
- E. (1) "Indo-China Conflict" means the period beginning August 5, 1964, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress, as the date of the termination of the Vietnam Era Conflict.
- F. "Period of War" means World War II, the Korean Conflict, and the Indo-China Conflict.
- G. "Veteran" means a person who served in the active military, naval or air service, and who was discharged or released therefrom under conditions other than dishonorable; and who served during World War II, the Korean Conflict, and the Indo-China Conflict for a period of ninety (90) days or more, (exclusive of time spent Absent Without Official Leave, (AWOL); or in penal confinement as a result of a sentence imposed by Courts Martial or any other time lost as indicated on the service record; or in service for which no allowance is made according to Section 8981 of this Act) with some portion of service within the respective hereinafter prescribed dates, who is still in the Armed Forces, or was released, separated, discharged or retired therefrom, under conditions other than dishonorable.

A. "Active Duty in the Armed Forces" means full time duty in the Armed Forces of the United States, other than active duty for training; and active duty for training during which the individual concerned was killed or disabled; and if a person in the active Armed Forces was released, separated or discharged thereafter by reasons of disability incurred in line of duty before serving as much as ninety (90) days, such person shall be eligible to receive a bonus payment in accordance with the law.

I. "Qualified Veteran" means any person as described in Chapter 3(G) who was a bonifide resident of the Territory of Guam at the time of entry into active duty.

Chapter IV. EXCLUSION

No compensation shall be paid to any person who received from another State or Territory a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this Act.

Chapter V. BONUS COMPUTATION-- AMOUNT

A. Each person who is determined to be eligible by the Veterans Affairs Officer, shall be entitled to receive a bonus of Thirty Dollars (\$30.00) for each month of active service during World War II, the Korean War or Indo China Conflict. The bonus for a fraction of a month of service shall be determined on the basis of One Dollar (\$1.00) for each day of service. A veteran who served in one or more of the conflict periods shall be limited to a maximum payment of Seven Hundred and Twenty Dollars (\$720.00). In any event, no applicant shall be paid compensation in excess of Seven Hundred and Twenty Dollars (\$720.00).

B. If a veteran would be entitled to the Territory of Guam bonus, if he or she were living, the amount of compensation to which the veteran would be entitled shall be paid to his beneficiaries in the following order:

1. To the living spouse (except where at the time of the death of the veteran, either (a) the veteran and his spouse were separated by consent as defined in Section 99 of the Civil Code of Guam or (b) the spouse had deserted the veteran as defined in Section 95 of the Civil Code of Guam); or
2. If there is no eligible living spouse, such compensation shall be paid to the living child or children of the deceased veteran to share and share alike; or
3. If there is no eligible living child or children, the compensation shall be paid to the living mother; or
4. If there is no eligible living mother, the compensation shall be paid to the living father; or
5. If there are no eligible living beneficiaries as set forth above, to the estate of the veteran.

Chapter VI. APPLICATION: TIME OF FILING AND RETURN

A. Applications for the payment of bonuses must be submitted to Veterans Affairs Officer, Government of Guam, Agana, Guam in conformity with the following:

1. Eligible World War II and eligible Korean Conflict Veterans or their beneficiaries: before July 1, 1973.

- A. 2. Eligible Indo China Veterans or their beneficiaries:
not later than two (2) years after the date determined
by Presidential proclamation or concurrent resolution of
the Congress as the date of the termination of the
Vietnam Era Conflict.
- B. Applications received which are not in conformity with the provisions of paragraph (A) above shall not be processed. They shall be returned to the sender if a return address is given, with a disapproval notice citing the reason for denying the claim.

Chapter VII. EVIDENCE TO BE MAILED WITH APPLICATION

- A. Every application for compensation shall be accompanied by all documentary evidence required in the application.
1. The following shall be acceptable documentary evidence:
- (a) Authenticated copies of records or certificates made by authorized persons of the Department of Defense, United States Military Service Departments, Veterans Administration, or any other department, agency, or bureau of the United States having cognizance of such records.
2. All copies of documents must be attested by a Court Clerk or Deputy Court Clerk; or certified by the Veterans Affairs Officer, his designate, or such other person so authorized by the Government of Guam.
3. If the veteran is mentally incompetent and has a court appointed guardian, such guardian shall submit required evidence to support claim including a certified copy of order appointing guardian.

- A. 3. Cont: If there is no guardian, application may be made in his or her behalf by his spouse or by his son or daughter (if over 18 years of age); or if he has no spouse or such child, by a parent or by his brother or sister (if over 18 years of age). All funds obtained in behalf of the veteran shall be expended solely for his personal use and benefit and shall be accounted for in accordance with the law.
4. No right of payment under this Act shall be subject to the claims of creditors or to the process of foreign attachment, ~~or to the claims of creditors~~, or be regarded as assets, legal or equitable, of the estate of the deceased or made the basis for administration thereof.

Chapter VIII.

ORAL HEARING. PROCEDURE FOR HEARING

- A. No claimant shall be entitled to an oral hearing as a matter of right, but the Veterans Affairs Officer may, in his own discretion, order a hearing in any case presenting unusual circumstances, or where it appears that documentary evidence of any material fact cannot reasonably be obtained, or where the claim cannot otherwise adequately be determined. The Veterans Affairs Officer may investigate any matter which in his judgement, is not adequately proven, or which shows or raises a question of fraud, and may require submission of supplementary proof.
- B. Any claimant requesting a hearing must appear before an officer designated by the Veterans Affairs Officer.
- C. There shall be no stenographic transcript of such proceedings taken except when specifically authorized by the Veterans Affairs Officer.

D. In the absence of such authorization, the hearing officer shall submit to the Veterans Affairs Officer his written summary of the proceedings.

E. There shall be no right to written or oral argument, but the Veterans Affairs Officer may in his direction, authorize either.

Chapter IX. BURDEN OF PROOF

A claimant, in all cases, must prove to the satisfaction of the Veterans Affairs Officer that he is entitled to payments of veterans' bonus as provided in these Rules and Regulations.

Chapter X. PROMPT DETERMINATION TO BE MADE

Each application received by the Veterans Affairs Officer shall be promptly reviewed to determine whether it is approved or disapproved for payment of veterans' bonus; and if approved, shall determine amount to be paid according to the provisions of these Rules and Regulations.

Chapter XI. NOTICE OF DISAPPROVAL OF CLAIM

- A. Any claim determined to be disapproved shall be sent to such claimant with a notice of such decision by mail at the address shown in the application.
- B. Notice shall contain a designation of the reason for disapproval and shall inform the claimant of his or her right to seek review, enclosing a form of request for review, and providing information as to procedure for review.
- C. Application submitted by a claimant for review shall be submitted to the Office of Veterans Affairs not less than 30 days after the day upon which the notice of disapproval is mailed to the claimant.

EFFECT OF FINAL DISAPPROVAL

If the Veterans Affairs Officer disapproves any claim for cause, no payment of a bonus shall be made. A notation of such decision shall be made in a permanent book or record in his office. At his discretion, he may return to the claimant the copies of any official records submitted in support of the application. The claim file shall be closed and all supporting documents may be destroyed, except the application form.

Chapter XIII. PAYMENT OF BONUS

When a claim is approved, the Veterans Affairs Officer shall promptly certify to the Treasurer of Guam the names and addresses of persons found entitled to be paid a bonus and the amount payable to each.

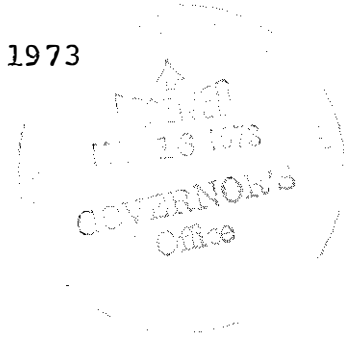
Chapter XIV. PROCESSING OF APPLICATION

- A. The receipt and processing of bonus applications shall be on a centralized basis.
- B. All bonus applications must be mailed to: Office of Veterans Affairs, Bonus Section, Government of Guam, Agaña, Guam.
- C. An application for a bonus shall not be considered a valid application unless it is made on the official application form.
- D. All applications submitted to the Office of Veterans Affairs shall be processed according to procedures set forth by the Veterans Affairs Officer.
- E. All applications shall be processed in the order in which they are received.
- F. After applications are processed, certification for bonus payment shall be made in accordance with the priority indicated in the Act.



GOVERNMENT OF GUAM
AGANA, GUAM

March 14, 1973



Memorandum

To: The Governor
From: Attorney General
Subject: Rules and Regulations Governing
the Veteran's Bonus Act

These regulations have been reviewed by this office previously and found to be acceptable with one exception, which has been corrected in the current rules. The required public hearing on these rules was held on February 23, 1973, and no suggestions for changes were made. Therefore, I can recommend that the rules and regulations be promulgated by you by means of an Executive Order, which is attached, at the earliest possible date as the deadline for granting these bonuses is July 1, 1973, absent amendatory Legislation extending that date.

Richard D. Magee
RICHARD D. MAGEE
Acting

Attachment