

By JOSEPH G. LARIOS

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CHICAGO (*jGLi*) – Seven Filipino World War II veterans and 22 widows filed a class action for declaratory, injunctive and mandamus Friday, asking the United States District Court of Northern California in San Francisco to order the U.S. Veterans Administration to pay Filipino war veterans “the same compensation as other veterans who were in active service.”

They also asked the court that the receipt of payment under the ‘Filipino Veterans Equity Compensation Fund’ does not disqualify them from claiming other benefits that other veterans who were in active service enjoy.”

Arguing that if the American Recovery and Reinvestment Act of 2009 overturned the provision of the 1946 Rescission Acts that declared services of the Filipinos during World War II “not be

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deemed to have been active military, naval or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any person by reason of the service of such person or service of any other person in the Armed Forces,” the lawyers for the veterans said, “there is no longer any valid basis for discriminating against them by disqualifying them from receiving similar veteran benefits being received by other veterans who have been in ‘active’ military service.”

VIOLATES EQUAL-PROTECTION CLAUSE

A rnedo S. Valera and Eleuterio C. Tomas, lawyers for the Filipino veterans, claim that “plaintiff war veterans and the deceased Filipino war veterans (represented by the plaintiff widows) are all U.S. citizens and to give them less than what other U.S. citizen military veterans who have served in active military service are entitled to under the law violates the equal protection clause of the constitution.”

The lawyers added that “considering that the payment of claims under the ‘Filipino Veterans Equity Compensation Fund’ is way below that received by other veterans ... as final payment,’ the Fund also deprives the Filipino war veterans “due process of the benefits that other US veterans enjoy.”

Under the ARRA, Filipino war veterans, who are U.S. citizens, would receive \$15,000 lump sum pay while those who are non-U.S. citizens would get \$9,000. The lawyers said the lower amount

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for non-U.S. citizen Filipino war veterans violates “the equal-protection clause. The non-U.S. citizen plaintiff should be entitled to \$15,000 like their U.S. citizen counterparts and not just limited to \$9,000.”

The lawsuit also contends that those who died before the passage of ARRA should not be discriminated against by the U.S. VA by not paying them. “Their deaths cannot erase the fact that they have already rendered active military service and have suffered as a result thereof. They should, therefore, be eligible to claim benefits through their widows as their heirs and representatives.”

NO MATCH WITH NPRC RECORDS

Under the ARRA, if the veterans die before the passage of the law, their widows are not eligible to collect any benefit on behalf of their husbands. As a result of “various public announcements” on the matter, plaintiff widows did not file claims on behalf of their deceased war veteran husbands.

The widows are asking the court to let them collect the benefit on behalf of their husbands, who died.

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Many Filipino war veterans, who applied for the benefits under ARRA, were turned away because their names could not match with the records at the National Personnel Records Center in Missouri

As a result the plaintiffs in the lawsuit are asking the court to compel the USVA to accept their applications because the "NPRC record (is) unreliable in so far as the Filipino veterans who served" during World War II is concerned.

They claimed that when a fire razed the NPRC in 1973, there were approximately 16-18 million official military records that were destroyed and the "lost records cover the period of service of the Filipino War Veterans."

When plaintiffs Eder Andrade, Bienvenido Galas, Sr., Ricardo Pinero Juanita Quimbo, Ireneo Recinto, Florentino S. Torralba, and John M. Aspiras, Jr. applied for the benefits, their applications were denied because their names were not found in the NPRC.

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They asked the court that their applications should be accepted although they used the Philippine government records because the NPRC's records are unreliable. They presented records that showed that they were members of the Commonwealth Army of the Philippines and had served under the Armed Forces of the United States during World War II.

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