

## **TITLE 20**

### **MILITARY AND VETERANS AFFAIRS**

- Chapter 1 Office of Veterans' Affairs
  - 2. Additional Bonus Programs - (Director of Public Safety).
  - 3. Guam Militia. ( No rules filed)
  - 4. Guam National Guard. (No rules filed)

**CHAPTER 1**  
**OFFICE OF VETERANS' AFFAIRS**

Article 1  
Bonus Section - Veterans' Bonuses

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- §1113. Payment of Bonus.
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**NOTE:** Rule-making authority cited for regulation of Veterans' bonuses by the Office of Veterans' Affairs, 10 GCA §68102.

**§1101. Purpose.** This policy is intended to define and implement the intent of the provisions of Public Law 11-146, 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 or the Indo-Chino conflict. (As defined in §101(29), Title 38, U.S. Code, i.e., "Vietnam era" beginning August 5, 1964.)

**§1102. Coverage.** It shall be the policy of the government of Guam to pay all qualified veterans a bonus which is declared a gift or gratuity made as a token of appreciation for service rendered by the veteran to the people of Guam in time of grave national emergency as is in no sense compensation for such service.

**§1103. 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.

(c) *Armed Forces* means the United States Army, Navy, Marines 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.

(f) *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.

(g) *Period of War* means World War II, the Korean Conflict and the Indo-China Conflict.

(h) *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 §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.

(i) *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 law.

(j) *Qualified Veteran* means any person as described in §1101.2(h), who was a bona fide resident of the territory of Guam at time of try into active duty.

**§1104. 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.

**§1105. 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 (1) or more of the conflict periods shall be limited to a maximum payment of Seven Hundred Twenty Dollars (\$720.00). In any event, no applicant shall be paid compensation in excess of Seven Hundred 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 19 GCA §8210; or

(B) the spouse had deserted the veteran as defined in 19 GCA §8206; 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.

**§1106. 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, 1974.

(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 Conflicts.

(b) Applications received which are not in conformity with the provisions of §1101.5(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.

**§1107. 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. 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 eighteen (18) years of age); or if he has no spouse or such child, by a parent or by his brother or sister (if over eighteen 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 be regarded as assets, legal or equitable, or the estate of the deceased or made the basis for administration thereof.

**§1108. 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 judgment, 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 not 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.

**§1109. 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.

**§1110. 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 determined amount to be paid according to the provisions of these Rules and Regulations.

**§1111. 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 thirty (30) days after the day upon which the notice of disapproval is mailed to the claimant.

**§1112. 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.

**§1113. 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 person found entitled to be paid a bonus and the amount payable to each.

**§1114. 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, Agana, 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 providing information as to procedure for review.

(e) Application submitted by a claimant for review shall be submitted to the Office of Veterans' Affairs not less than thirty (30) days after the day upon which the notice of disapproval is mailed to the claimant.

**CHAPTER 2**  
**ADDITIONAL BONUS PROGRAMS**  
**(Director of Public Safety)**

- Article 1 Bonus for Veterans of Guam Combat Patrol.  
(No rules filed)
2. Bonus for Civilian Scouts. (No rules filed)

Article 1  
Bonus for Veterans of Guam Combat Patrol  
(No rules filed)

**NOTE:** Rule-making authority cited for formulation of eligible regulations for the Bonus for Veterans of Guam Combat Patrol by the Director of Public Safety, 10 GCA §68201.

Article 2  
Bonus for Civilian Scouts  
(No rules filed)

**NOTE:** Rule-making authority cited for formulation of eligibility regulations for the Bonus for Civilian Scouts by the Director of Public Safety, 10 GCA §68401.

Section 68401, Title 10 Guam Code Annotated establishes, under the heading of "Eligibility for Bonus" the order in which beneficiaries will receive the Bonus for Civilian Scouts if a person entitled to said Bonus is not living. It also sets forth that the applications for the Bonus should be made to the Director of Public Safety, before December 31, 1973.

**CHAPTER 3  
GUAM MILITIA  
(No rules filed)**

**NOTE:** Rule-making authority cited for formulation of regulations for the Guam Militia by Governor of Guam, 10 GCA §64103 (as enacted by Public Law 16-103). With the establishment of the Guam National Guard, the Guam Militia officially ceased to exist.

**CHAPTER 4**  
**GUAM NATIONAL GUARD**  
**(No rules filed)**

**NOTE:** The Guam National Guard Law (as implemented by Public Law 16-18) may be found in 10 GCA Chapter 63.