

NEWS RELEASE

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FILIPINO VETERANS FORCED TO SUE COUNTRY THEY FOUGHT FOR IN WWII

SAN FRANCISCO - On the heels of this Memorial Day, a day set aside to celebrate the contributions of the brave men and women who fought for the United States, Filipino veterans who fought for the United States in World War II have been forced to sue for their justly deserved and long denied benefits. The lawsuit was filed by Cotchett, Pitre & McCarthy and the Tancinco Law Offices against the Department of Veterans Affairs in the **Northern District of California** in San Francisco.

During World War II, President Franklin Roosevelt recruited soldiers of the Philippine Commonwealth Army who were then U.S. nationals into American military service. Approximately 250,000 Filipino soldiers fought alongside the U.S. Army against the Japanese and were promised the same benefits that were given to the U.S. Army soldiers. In 1946, U.S. Congress passed the Rescission Act which stripped the Filipino soldiers of their promised benefits. The Rescission Act said Filipino soldiers “*shall not be deemed to have been active military, naval, or air service for the purposes of any law of the United States conferring rights, privileges, or benefits...*” For over 60 years, Filipino veterans have fought to get official recognition of their honorable U.S. military service during World War II and to be declared eligible to receive full veterans benefits from the U.S. Department of Veterans Affairs.

In February 2009, President Obama signed a law called the Filipino Veterans Equity Compensation (FVEC) which set aside \$198 million for their benefit. The Department of Veteran Affairs assured them that they would be able to receive the long delayed benefits that had been promised them for serving in World War II. Filipino veterans living in the U.S. would receive \$15,000 and Filipino veterans living in the Philippines would receive \$9,000.

Many of the Filipino veterans who sent in their applications to the Veterans Affairs office had their applications denied because they were not on a so-called “Missouri List”, a database that was intended to include all of the personnel who served in the U.S. armed forces in the 20th century. This list is an authoritative source of reference but is not an exclusive list of military veterans. On July 12, 1973, a disastrous fire at NPRC destroyed approximately 16-18 million Official Military Personnel files. Of those destroyed, 80 percent were Army personnel who were discharged from November 1, 1912 to January 1, 1960. There were no duplicate copies of the records that were destroyed. As the VA acknowledges, Filipino veterans were dissuaded from putting their name on this list because the Japanese military had access to that information and would find and kill the family members of those veterans who put their name on the List. Despite this historical fact, the VA has denied the applications of all Filipino veterans who are not on the List and have made no effort to develop any alternative mechanism for verifying service in World War II. Many of these Filipino veterans are in their late 80's and 90's and the VA's actions may make it impossible for this country to fulfill its overdue obligation to these brave men and women.

According to **Pete McCloskey** of Cotchett, Pitre & McCarthy, the lead attorney in this case, “As a veteran myself, I know the sacrifices that have been made by these soldiers in both blood and tears. Compounding one injustice made decades ago with new injustices today do not reflect the true spirit of America. Hopefully, this suit will serve as a catalyst to convince the VA to do what is right.”

A copy of the complaint can be found at www.cpmlegal.com

CONTACT: Mark Grafilo
Cotchett, Pitre & McCarthy
(650) 697-6000
www.cpmlegal.com

Lourdes Tancinco
Tancinco Law Offices
(415) 397-0808
www.tancinco.com

Luisa M. Antonio
Veterans Equity Center
(415) 455-2356

**COTCHETT, PITRE & McCARTHY
TANCINCO LAW OFFICES**