

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2024

DOCKET NUMBER: AR20230007836

APPLICANT REQUESTS: the great grandson of a deceased former service member (FSM) requests the following:

- Correction of his great grandfather's War Department Adjutant General Officer (WD AGO) Form 53-55 (Enlisted Record and Report of Separation Honorable Discharge) to show his name as [REDACTED] (no middle initial)," and his date of birth (DOB) as [REDACTED]
- Award the Prisoner of War (POW) Medal and the Philippine Republic Presidential Unit Citation
- Permission to appear personally before the Board, via video/telephone

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- WD AGO 53-55
- National Archives and Records Administration (NARA) Electronic Army Serial Number Merged File
- Photos of Medals
- Address Marking on Box sent by the U.S. Army Support Activity to the FSM
- Birth Certification for applicant's mother
- Applicant's Birth Certification
- Photo of Monument and photo of name plaque
- Date Calculation
- Monthly Roster
- FSM's death certificate
- Prisoner of War Roster

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10 (Armed Forces), United States Code (USC), section 1552 (b) (Correction of Military Records: Claims Incident Thereto). However, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states his great grandfather, Private First Class (PFC) [REDACTED] should be awarded the POW Medal and the Philippine Republic Presidential Unit Citation because he served in the 91st Coast Artillery (Harbor Defense) (Philippine Scouts) during World War II and was captured when Corregidor fell to the Japanese. Afterward, his great grandfather became a guerilla in the famed Hunter's ROTC (Reserve Officers' Training Corps). The applicant further requests that the FSM's WD AGO 53-55 show his great grandfather's correct name and DOB. The applicant adds:

a. The FSM died without ever receiving benefits, and he believed in the United States until his death in 1989. The applicant explains that he has spent the past few months tracing his family's history, and states that, in November 2023, Congress will be presenting his great grandfather with the Congressional Gold Medal for his World War II service.

b. The applicant asserts that the FSM received no recognition for having been a POW, and the award of the POW is warranted. In addition, he contends the FSM's service in both the 91st Coast Artillery and Hunter's ROTC qualifies him for the Philippine Republic Presidential Unit Citation. The applicant notes that, in the FSM's hometown, a monument stands honoring the FSM and the other Veterans who defended the Philippines, but the United States has no comparable memorial. The applicant feels it is unjust that his great grandfather never received the appropriate recognition for his service.

3. The applicant's requested relief for awarding the Prisoner of War Medal and adding the Philippine Republic Presidential Unit Citation to the FSM's WD AGO Form 53-55 is supported by sufficient evidence; as a result, this portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and will not be considered by the Board.

4. A fire at the National Personnel Records Center (NPRC) in St. Louis, MO destroyed approximately 18 million service members' records in 1973; the fire affected Army personnel records dated between November 1912 and January 1960. It is believed the applicant's records were destroyed in that fire, and the only service records NPRC could find were for a former Soldier who shared the FSM's first and last name but had a different military service number. Nonetheless, the applicant submits a copy of the FSM's WD AGO 53-55, documents from the National Archives, and other documentation to support his requests.

5. The applicant provides the following:

a. Photos of medals and the packaging used by the U.S. Army Support Activity to send the medals; the displayed medals are the following: World War II Victory Medal, Philippine Independence Ribbon, Philippine Liberation Ribbon, Philippine Defense

Ribbon, American Defense Service Medal with one bronze service star, and Asiatic-Pacific Campaign Medal with two bronze service stars.

b. FSM's death certificate (which shows the FSM's full name) and a document citing information drawn from NARA's World War II Enlisted Records (reflecting the FSM's name and military service number). Apart from these two documents, the applicant offers no further documentary evidence (such court orders or passport) that would validate the FSM's full name and DOB.

c. FSM's WD AGO 53-55, which reflects the following:

(1) The FSM served in the 91st Coast Artillery Corps (Philippine Scouts) from 17 October 1936 to 16 October 1939, and again, from 4 November 1939 to 22 March 1945. On 22 March 1945, while in the Philippines, the FSM enlisted into the Army of the United States (AUS). On 11 July 1946, the AUS honorably discharged the FSM in the Philippines; at his separation, the FSM's unit of assignment was the 4th Military Police Battalion (Philippine Scout).

(2) Item 1 (Last Name – First Name – Middle Initial) states, [REDACTED]

(3) Item 2 (Army Serial Number) – [REDACTED]

(4) Item 10 (DOB) – [REDACTED]

(5) Item 32 (Battles and Campaigns) shows the FSM's participation in the Philippine Campaign.

(6) Item 33 (Decorations and Citations) lists the following:

- American Defense Service Medal with one bronze service star
- Distinguished Unit Badge (later renamed Presidential Unit Citation) (3rd Award)
- Asiatic-Pacific Campaign Medal with one bronze service star
- Philippine Defense Ribbon with one bronze service star
- Philippine Liberation Ribbon with one bronze service star
- World War II Victory Medal
- Army Good Conduct Medal (1st Award)

6. On 14 December 2016, Congress enacted the Filipino Veterans of World War II Congressional Gold Medal Act of 2015 to recognize the contributions and sacrifices of those Filipino Veterans who served during World War II. The Act included the following history:

a. The Spanish-American War resulted in the founding of the first Philippine Republic, wherein Filipino revolutionaries and the United States Armed Forces fought to overthrow Spanish colonial rule. On 12 June 1898, Filipinos declared the Philippines as an independent and sovereign nation. Filipino nationalists who sought independence rather than a change in colonial rulers clashed with forces of the United States in the Islands. The Philippine-American War, which officially lasted for 3 years from 1899 to 1902, led to the establishment of the United States civil government in the Philippines.

b. The Philippine Independence Act, enacted by Congress in 1934, established a timetable for ending colonial rule of the United States. Between 1934 and Philippine independence in 1946, the United States retained sovereignty over Philippine foreign policy and reserved the right to call Filipinos into the service of the United States Armed Forces.

c. On 21 December 1935, President of the Philippine Commonwealth signed the National Defense Act, after which General Douglas MacArthur set upon the task of creating an independent army in the Philippines. This army was to consist of a small regular force; the Philippine Constabulary, a police force created during the colonial period of the United States; and reservists. By July 1941, the Philippine Army had 130,000 reservists and 6,000 officers.

d. On 27 July 1941, a War Department directive established the United States Forces in the Far East (USAFFE); the commander of the USAFFE, General MacArthur, planned a phased absorption of the entire Philippine Army into the USAFFE, starting in September 1941. On 8 December 1941, the day after Pearl Harbor, the Japanese Imperial Army attacked U.S. Army bases in the Philippines and, by the spring of 1942, had overrun the Bataan Peninsula.

e. After the fall of the Bataan Peninsula, Japanese forces attacked Corregidor, which was defended by 13,000 U.S. service members and Filipino troops; about 11,000 were subsequently captured and, after a forced march to Manila, the Japanese Army distributed the captives to various POW camps. The remaining Soldiers had been killed, wounded, or escaped to organize an underground guerilla army. Japanese intelligence reports showed that, from the time the Japanese invaded until the return of the United States Armed Forces in the summer of 1944, an estimated 300,000 Filipinos continued to fight against Japanese forces. Filipino resistance against the Japanese was so strong that, in 1942, the Imperial Army formed the "Morista Butai," a unit specifically designated to suppress the guerrillas.

f. Because Filipinos who had served in the Commonwealth Army of the Philippines were originally considered a part of the Allied struggle, President Roosevelt's 26 July 1941 military order stated that Filipinos who served in the Commonwealth Army of the Philippines were entitled to full Veterans benefits. The guarantee to pay back the

service of Filipinos through Veterans benefits was reversed by the Rescission Acts of 1946, which deemed that the wartime service of the Commonwealth Army of the Philippines and the new Philippine Scouts was not considered active and, therefore, did not qualify for benefits.

g. The Filipino Veterans of World War II fought alongside, and as an integral part of, the United States Armed Forces. The Philippines remained a territory of the United States for the duration of the war and, accordingly, the United States maintained sovereignty over Philippine foreign relations, including Philippine laws enacted by the Philippine Government. Filipinos who fought in the Philippines were not only defending or fighting for the Philippines, but also defending, and ultimately liberating, sovereign territory held by the United States Government.

h. The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the Filipino Veterans of World War II in recognition of the dedicated service of the Veterans during World War II.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the former service member's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. One possible outcome was to grant partial relief to award the former servicemember the prisoner of war medal but to deny the correction to the former servicemember's name and date of birth in order to maintain historical accuracy with his records. However, upon further review of the applicant's petition and former service member's available military records, the Board majority determined there was sufficient evidence provided by the applicant to correct the former service member's name and date of birth by adding also known as in block 35 (Remarks) of the former service member's WD AGO Form 53-55 for the period ending 11 July 1946.

2. Additionally, the Board determined there is sufficient evidence based on the former SM's name reflected on the prisoner of war roster to support he met the criteria for award of the prisoner of war medal. Per regulatory guidance the criteria for awarding the POW Medal, authorizes the award for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after 5 April 1917. Furthermore, the Board noted the POW Medal is classified as a personal service medal and no orders or certificate are issued to announce its approval. On 27 January 1990, the Secretary of Defense authorized the POW Medal for the Philippine Commonwealth Army and recognized Guerilla Unit Veterans where the Japanese Imperial Army held as captives between 7 December 1941 and 26 September 1945.

3. The Board noted in accordance with (IAW) Army Regulation (AR) 635-5 and AR 635-8, if a Soldier has been in a prisoner of war (POW) status, whether or not eligible for award of the POW Medal, it is noted to enter the unit of assignment, country and the dates of capture and release. The Board agreed, based on the preponderance of evidence from the applicant, the Board granted relief to award the prisoner of war medal and correction to the former SM's name and DOB.

4. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	:	■	GRANT FULL RELIEF
:	■	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of Army records of the individual concerned be corrected by amending the former SM's WD AGO Form 53-55, ending 11 July 1946 by adding in

- block 33 (Decorations, Medals, Badges, Commendations, Citations, and Campaign Ribbons Awarded or Authorized): Prisoner of War Medal
- block 35 (Remarks) also known as (A.K.A) the applicant's name and date of birth as it appears on his certificate of live birth.

2/22/2024


XCHAIRPERSON


I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

ADMINISTRATIVE NOTE(S):

1. War Department Technical Manual (TM) 12-236 (Preparation of Separation Forms), in effect at the time, prescribed procedures for the completion of WD AGO Form 53-55. The TM stated item 33 was to list decorations or citations, along with the authority for each; authorities for service medals did not need to be entered.
2. AR 600-8-22 (Military Awards), currently in effect, states:
 - a. The Asiatic-Pacific Campaign Medal is awarded for service in the Asiatic-Pacific Theater of Operations between 7 December 1941 and 2 March 1946. One bronze service star is authorized for each campaign in which the Soldier participated, and include the following:
 - Philippine Islands (7 December 1941 to 10 May 1942)
 - Luzon (15 December 1944 to 4 July 1945)

b. The Philippine Defense Ribbon is awarded for service in the defense of the Philippines from 8 December 1941 to 15 June 1942.

c. The Philippine Liberation Ribbon is awarded for service in the liberation of the Philippines from 17 October 1944 to 3 September 1945.

d. The Philippine Independence Ribbon awarded to any recipient of both of the Philippine Defense and the Philippine Liberation Ribbon.

e. The Philippine Republic Presidential Unit Citation was awarded to certain units of the Armed Forces of the United States in recognition of participation in the war against the Japanese Empire during the periods 7 December 1941 and 10 May 1942, inclusive, and 17 October 1944 to 4 July 1945, inclusive. No more than one Philippine Republic Presidential Unit Citation will be worn by an individual and no oak leaf cluster or other appurtenance is authorized.

f. Item 6 of the FSM's WD AGO Form 53-55 reflects that, at the time of his separation, his unit was the 4th Military Police Battalion (Philippine Scout). Item 39 (Prior Service) states the FSM was assigned to the 91st Coast Artillery (Harbor Defense) (Philippine Scouts), from 17 October 1936 to 16 October 1939, and again, from 4 November 1939 to 22 March 1945.

g. Department of the Army Pamphlet (DA PAM) 672-1 (Unit Citation and Campaign Participation Credit Register) shows the following:

- a. Department of the Army General Orders (DAGO) Number 47, dated 1950, awarded the Philippine Republic Presidential Unit Citation to the 4th Military Police Battalion (Philippine Scouts) for the period 17 October 1944 to 4 July 1945.
- b. DAGO Number 47, dated 1950, awarded the Philippine Republic Presidential Unit Citation to the 91st Coast Artillery (Harbor Defense) (Philippine Scouts) for the period 7 December 1941 to 10 May 1942.
- c. The DA PAM indicates the 4th Military Police Battalion (Philippine Scouts) participated in the Luzon Campaign and the 91st Coast Artillery (Harbor Defense) (Philippine Scouts) took part in the Philippine Islands Campaign.

h. Based on the foregoing, amend the FSM's WD AGO Form 53-55 ending 11 July 1946, as follows:

- Delete the Asiatic-Pacific Campaign Medal with one bronze service star.

- Add the following:
 - Asiatic-Pacific Campaign Medal with two bronze service stars
 - Philippine Independence Ribbon
 - Philippine Republic Presidential Unit Citation

REFERENCES:

1. Title 10, USC, section 1552(b) provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. War Department Technical Manual (TM) 12-236 (Preparation of Separation Forms), in effect at the time, prescribed procedures for the completion of WD AGO Form 53-55. Regarding entries for items 1 and 10, the regulation stated that preparers were to refer to the Soldier's service record (WD AGO Form 24) and the qualification card (WD AGO Form 20).
3. Title 10, USC, section 1128 (Prisoner of War Medal: Issue) codifies the criteria for awarding the POW Medal and authorizes the award for any person who, while serving in any capacity with the U.S. Armed Forces, was taken prisoner and held captive after 5 April 1917. On 27 January 1990, the Secretary of Defense authorized the POW Medal for the Philippine Commonwealth Army and recognized Guerilla Unit Veterans were the Japanese Imperial Army held as captives between 7 December 1941 and 26 September 1945. The POW Medal may be awarded posthumously, and statutory/regulatory time limits do not apply. The POW Medal is classified as a personal service medal; as such, no orders or certificate are issued to announce its approval.
4. AR 15-185 (ABCMR), currently in effect, states:
 - a. The ABCMR decides cases on the evidence of record; it is not an investigative body. Additionally, the ABCMR begins its consideration of each case with the presumption of administrative regularity (i.e., the documents in an applicant's service records are accepted as true and accurate, barring compelling evidence to the contrary). The applicant bears the burden of proving the existence of an error or injustice by presenting a preponderance of evidence, meaning the applicant's evidence is sufficient for the Board to conclude that there is a greater than 50-50 chance what he/she claims is verifiably correct.
 - b. An applicant is not entitled to a hearing before the Board; however, the request for a hearing may be authorized by a panel of the Board or by the Director of ABCMR.

ABCMR Record of Proceedings (cont)
//NOTHING FOLLOWS//

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