

In disallowing the claim, DOHA advised the claimant that no legislation had ever passed Congress which provided that the United States would assure Filipino veterans the same pay as American soldiers had received at the time of their service. DOHA also found that the claimant failed to demonstrate that the member had been paid less than he should have been paid.

On August 11, 2008, DOHA received a fax request for reconsideration. The fax message indicates that it was transmitted on the morning of August 11, 2008. The message contained additional information which indicates that the member could have been deployed outside of the Philippines during his service with the Philippine Scouts. However, the claimant does not demonstrate that members of the Philippine Scouts were entitled to pay equal to what American soldiers were receiving at the time, and she does not offer proof of what the member did receive and what he should have received.

Discussion

The Board has no authority to reconsider the July 9, 2008, decision. Under Department of Defense (DoD) Instruction 1340.21, ¶ E7.13,¹ DOHA had to receive the claimant's request for reconsideration within 30 days of the July 9th decision. The request for reconsideration should have been received at DOHA no later than August 8, 2008. That did not occur.

Conclusion

In accordance with DoD Instruction ¶ E7.11,² the July 9, 2008, decision is the final decision of the Department of Defense in this matter.

Signed: Michael D. Hipple

Michael D. Hipple
Chairman, Claims Appeals Board

Signed: Jean E. Smallin

Jean E. Smallin
Member, Claims Appeals Board

Signed: Catherine M. Engstrom

¹This provision is also codified at 32 C.F.R. Part 282, Appendix E, subparagraph (m).

²This provision is also codified at 32 C.F.R. Part 282, Appendix E, subparagraph (k).

Catherine M. Engstrom
Member, Claims Appeals Board