

and it finds the case to be one in which the employer, carrier, or fund would otherwise be entitled to reimbursement for benefits thereafter paid.

(c) The Bureau will not accept such cases for direct payment until such time as the rate of compensation or benefit and the period of payment have become relatively fixed and known, unless under the circumstances in a particular case the Bureau should determine that the case should be accepted prior thereto. The transfer of any case to the Bureau for direct payment may be recommended by an employer, carrier, or fund whenever it believes that such transfer properly may be effected within these regulations. Whenever the Bureau determines that under these regulations the transfer of a case for direct payment should be effected, the employer, insurance carrier or compensation fund shall transfer the case to the Bureau at its principal office for such purpose, together with the particular case file of such employer, carrier or fund, or such other records or papers as may be necessary to enable the Bureau to complete payments in the case; failure to transfer such case when requested may result in denial of further reimbursement. The file in such transferred case shall become part of the official records of the Bureau and shall remain in its custody.

(d) Medical and other treatment and care with respect to any disabled person entitled to such treatment, whose case is transferred to the Bureau as herein provided, when practicable may be furnished in a manner consistent with the regulations in Part 2 of this chapter, governing the furnishing of medical treatment under such Act of September 7, 1916, as amended. In furnishing such treatment or care the Bureau may use any private facilities, or such Government facilities as may be available.

(e) Whenever it shall appear advisable to the Bureau, any such case may be referred to any officer or agent identified in § 61.8 of this subchapter for such purpose as the Bureau may direct.

(f) Where any person entitled to benefits, whose case has been transferred under these regulations, has the right to have his claim for workmen's compensation or other benefits, or continuation of benefits, heard before or considered or reviewed by any deputy commissioner, compensation board or agency, or other tribunal, or where the employer, insurance carrier or compensation fund has similar rights with respect to further hearings or adjudicatory processes with respect to a claim or case, the transfer of such case to the Bureau shall not affect such rights. Whenever further adjudicatory processes before such deputy commissioner, board or agency, or tribunal are necessary, the Bureau will retransfer such case to the employer, carrier, or fund for completion of such processes. The Bureau may retransfer any case to an employer, carrier or fund either for the purpose of completion of such adjudicatory processes or for continuation of payments of benefits, whenever the Bureau deems such course advisable or necessary; failure to take necessary steps in the further adjudication of a case, either when necessary, when requested by the Bureau, or pursuant to notice received by the employer, carrier or fund from a person entitled to benefits, his representative, or any party in interest, or the adjudicating agency concerned, may result in refusal by the Bureau to continue the direct payment of benefits in such case and refusal to reimburse such employer, carrier or fund with respect to any future accruing benefits which it may have liability to pay, unless the circumstances justified such failure.

(g) Claims expense incident to the further handling of such a claim, retransferred to an employer, carrier or fund, will be processed by reimbursement under the provisions of the regulations in this part, or, in lieu of such manner of reimbursement, may be paid pursuant to a contract with an insurance carrier as provided for by § 61.22 of this subchapter. (Sec. 104, 56 Stat. 1031; 42 U. S. C. 1704)

SUBCHAPTER G—COMPENSATION FOR INJURY, DISABILITY OR DEATH OF CIVILIAN AMERICAN CITIZENS INCURRED WHILE DETAINED BY OR IN HIDING FROM THE IMPERIAL JAPANESE GOVERNMENT

PART 71—GENERAL PROVISIONS

Sec.

- 71.1 General administrative provisions.
71.2 Computation of benefits.

Sec.

- 71.3 Deductions from benefits.
71.4 Limitation upon benefits.
71.5 Payment of benefits.
71.6 Notice of injury or death.

Sec.

71.7 Claim filing, processing, adjudication and time limits.

AUTHORITY: The provisions of this Part 71 issued under sec. 32, 39 Stat. 749, as amended, sec. 106, 56 Stat. 1033, as amended, sec. 5, 62 Stat. 1242, as amended; 5 U.S.C. 8145, 8149, 42 U.S.C. 1706, 50 U.S.C. App., 2004.

SOURCE: The provisions of this Part 71 appear at 16 F.R. 2933, Apr. 4, 1951, unless otherwise noted.

§ 71.1 General administrative provisions.

(a) Section 5 (f) of the War Claims Act of 1948 (act of July 3, 1948; Public Law 896, 80th Cong., 62 Stat. 1240) makes provision for the payment of benefits with respect to the injury, disability or death resulting from injury of any civilian American citizen occurring while he was held by or in hiding from the Imperial Japanese Government to the same extent as if such civilian American citizen were an employee within the purview of the act of December 2, 1942 (Public Law 784, 77th Cong., 56 Stat. 1028, 42 U. S. C. 1701, et seq.). Under section 5 (f) of the said War Claims Act of 1948, the rights of individuals to benefits payable under this subchapter shall accrue from and after December 7, 1941, subject, however, to all of the provisions of said act and the regulations in this subchapter.

(b) The regulations in Part 61 of Subchapter F of this chapter governing the administration of the benefits provided under Titles I and II of the said act of December 2, 1942, as amended, shall, insofar as they are applicable and are not inconsistent with any of the provisions of this subchapter, govern the administration of the benefits payable under this subchapter. Provisions of such regulations relating to benefits for detention by the enemy, reimbursement to an employer or insurance carrier, and limitations on benefits in cases where workmen's compensation is payable are not applicable to the benefits provided in this subchapter nor are they within the purview of this subchapter. The provisions of sections 101 (b), 104 and 105 of such act of December 2, 1942, and the various provisions of Part 61 of this chapter relating to such provisions, accordingly, are not applicable to the payment of benefits under this subchapter.

(c) All rights or benefits under this subchapter which are determinable with reference to other provisions of law other than the said War Claims Act of 1948,

shall be determined with reference to such provisions as they existed and were in force on January 3, 1948.

(d) As used in this subchapter:

(1) The term "Bureau" means the Bureau of Employees' Compensation, United States Department of Labor.

(2) The term "civilian American citizen" means any person who, being then a citizen of the United States, was captured by the Imperial Japanese Government on or after December 7, 1941, at Midway, Guam, Wake Island, the Philippine Islands, or any Territory or possession of the United States attacked or invaded by such government or while in transit to or from any such place, or who went into hiding at any such place in order to avoid capture or internment by such government; except (i) a person who at any time voluntarily gave aid to, collaborated with, or in any manner served such government, or (ii) a person who at the time of his capture or entrance into hiding was within the purview of the Federal Employees' Compensation Act of September 7, 1918, as amended and extended, or the said act of December 2, 1942, as amended, or the Missing Persons Act of March 7, 1942 (56 Stat. 143), as amended, or who was a regularly appointed, enrolled, enlisted, or inducted member of any military or naval force.

(3) The terms "held by the Imperial Japanese Government" or "captured by the Imperial Japanese Government" mean a holding of such person as a prisoner, internee, hostage or in any other capacity.

(4) The terms "compensation", "physician" and "medical, surgical and hospital services and supplies" shall be construed and applied as defined in the Federal Employees' Compensation Act of September 7, 1916, as amended.

(5) The term "benefit" is construed as synonymous with the term "compensation".

(6) The terms "disability", "wages", "child", "grandchild", "brother", "sister", "parent", "widow", "widower", "adoption" or "adopted" shall be construed and applied as defined in the Longshoremen's and Harbor Workers' Compensation Act, as amended.

§ 71.2 Computation of benefits.

(a) For the purpose of determining the benefits under this subchapter, the average weekly wage of any such civilian American citizen, whether employed,

self-employed, or not employed, shall be deemed to have been \$37.50. The provisions of this subchapter are applicable and benefits are payable whether or not such civilian American citizen was employed. Monthly compensation in cases involving partial disability shall be determined by the percentage which the degree of partial disability bears to total disability, and shall not be determined with respect to the extent of loss of wage-earning capacity.

(b) Notwithstanding any of the provisions of Part 61 of this chapter, total maximum aggregate compensation for disability payable under this subchapter is limited to \$7,500 in case of injury and \$7,500 in case of death, such sum being exclusive of medical costs and funeral and burial expenses.

§ 71.3 Deductions from benefits.

If a civilian American citizen or his dependents receives or has received from the United States any payments on account of the same injury or death, or from his employer in the form of wages or payments in lieu of wages, or in any form of support or compensation (including workmen's compensation) in respect to the same objects, the benefits under this subchapter shall be diminished in the case of an injured person by the amount of payments such injured person received on account of the same injury or disability, or in the case of dependents, by the amount of payments such dependents of the deceased civilian American citizen received on account of the same death, as the case may be.

§ 71.4 Limitation upon benefits.

No person, except a widow or a child, shall be entitled to benefits under this subchapter for disability with respect to himself and to death benefits on account of the death of another.

§ 71.5 Payment of benefits.

(a) Benefits under this subchapter payable for disability or death shall be paid only to the person entitled thereto,

or to his legal or natural guardian if he has one, and shall not upon death of the person so entitled survive for the benefit of his estate or any other person.

(b) The benefit of a minor or an incompetent person who has no natural or legal guardian may, in the discretion of the Bureau be paid in whole or in such part as the Bureau may determine, for and on behalf of such minor or incompetent directly to the person or institution caring for, supporting or having custody of such minor or incompetent.

(c) In any case in which benefits are payable under this subchapter to any person who is prevented from accepting such benefits by the rules, regulations or customs of the church or the religious order or organization of which he is a member, such benefits will be paid, upon the request of such person, to such church or to such religious order or organization.

§ 71.6 Notice of injury or death.

Notwithstanding any of the provisions in Part 61 of this chapter, no notice or report of injury or death shall be required for claims filed under this subchapter.

§ 71.7 Claim filing, processing, adjudication and time limits.

(a) Claims for injury, disability or death benefits payable under section 5 (f) of the said War Claims Act of 1948, originating in the United States or in its Territories or possessions, shall be filed by mailing to the Bureau of Employees' Compensation, United States Department of Labor, Washington, D.C. 20211. All claims originating in the Philippine Islands may be filed by mailing to the Bureau of Employees' Compensation, United States Department of Labor, Manila, P.I. All claims will be finally processed and adjudicated by the Bureau at its principal office in Washington, D.C.

(b) The limitation provisions for the filing of claims for disability or death benefits, as prescribed by applicable provisions of statute, shall not begin to run earlier than July 3, 1948.

SUBCHAPTER H—[RESERVED]