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ESTABLISHED 1903

PAYMENT

Those Denied Redress Can File Appeal, Says NCRR

The group will assist individuals in writing letters of appeal.

The National Coalition of Redress and Reparations (NCRR) has expressed concern about the increasing number of calls and letters from Japanese Americans who have received denials of their redress cases, or have received a letter from the Office of Redress Administration (ORA) requesting more information about their case.

Although each person's case is unique, NCRR has identified situations falling into two main categories:

1) Those who initially received a letter of eligibility, then later received a letter requesting more information with which to determine eligibility or ineligibility for redress;

2) Those who received outright denials of eligibility. Many of these people were denied on the basis that they are the children of "voluntary" evacuees.

NCRR is currently gathering information about these and other cases and requests that those who have received denials send copies of their case and the ORA ineligibility letter to NCRR.

The organization hopes to assess how many people were denied redress, the reasons for denial, and the status of their appeal.

NCRR also states that the organization, through assistance by the Japanese American Bar Association (JABA) on more complex appeals, is interested in assisting those who are writing appeal letters.

According to David Monkawa, NCRR organizer, individuals requesting an appeal should follow the ORA guidelines closely.

Procedure

Once receiving a letter of ineligibility, the individual has 60 calendar days to appeal from the date

that the letter is received. This first appeal letter does not have to contain a detailed description of the case's circumstances; it only has to disagree with the denial and request an extension.

After the ORA receives the letter, the agency will send the person another letter stating he or she has 30 days to prepare and collect any data to help in the argument to gain redress. If more time is needed, another letter requesting such should be sent. In most cases, the agency will grant the extra time.

In writing the appeal, the individual should include his/her full name, address and file number listed on the letter of denial. Here, the reasons for disagreement with the decision should be briefly stated. The person filing for an appeal should simply write one page either typed, double spaced, or handwritten why he/she is entitled to redress.

Depending on the complexity of the case and workload for the lawyers, the ORA may not respond for up to several months. The agency should be called periodically.

According to NCRR, a staff of lawyers process these appeal letters and make recommendations to either grant or deny redress. This recommendation goes to David Flynn, head of the Appellate Section of the Justice Department. His decision is binding, as far as the Justice Department is concerned.

Greg Friel, staff attorney for the Appellate Section of the Civil Rights Department, (202) 514-3876, can answer questions about general legal points, but he will not comment on anything that warrants judgment.

Also, Charlene Calhoun of the Appeal Unit can answer questions about procedure only. She can be reached at (202) 514-3430.

NCRR can be contacted at 244 S. San Pedro St., #311, Los Angeles, CA 90012. Telephone is (213) 680-3484.