

**Department of
Veterans Affairs**

Memorandum

Date: October 9, 1992

From: General Counsel (022)

Subj: Withdrawal of VAOPGCPREC 3-92

To:

1. I am hereby withdrawing the attached precedent opinion because of a recent change in the statute involved.
2. The opinion is an interpretation of the Civil Liberties Act of 1988, which authorized reparations to Japanese-Americans interned by the U.S. during WWII. Based on language of that law as enacted, we concluded VA should not consider the reparations to be either income or resources for purposes of determining eligibility for improved pension, but that the payments had to be counted in determining entitlement under the prior-law pension programs.
3. In enacting Pub. L. No. 102-371, Congress recently amended the Civil Liberties Act, retroactive to the date of its original enactment in 1988, to provide that the payments are not to be counted for purposes of deciding eligibility under any program administered by VA. Thus, the precedent value of O.G.C. Prec. 3-92 has been superseded, and unless it is withdrawn it could only serve to confuse the issue it addressed.
4. Please take appropriate steps to implement this memorandum.

James A. Endicott, Jr.