

DIVISION OF LANDS AND SURVEYS — OFFICIAL FILE

PART

2

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TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator

Yap District

In reply refer to,

Land Management

Serial: LMY0617

June 22, 1973

Albert Snyder
Attorney
Micronesian Legal Services
Yap Office

Dear Al,

In reference to your letter of June 18, 1973 concerning termination greivances of certain formaer members of the Yap District Land Commission:

Initially I would like to request that you advise these men to take their complaints to the District Personnel Officer who exists specifically to assist in matters of this type. In the future you may be able to relieve your caseload somewhat by advising potential clients of this type to pursue their problem through the Personnel Officer first. If unable to obtain satisfaction through this channel they may then of course wish your further assistance.

I have just completed a compilation of information concerning this situation which I am forwarding to the Chief, Lands and Surveys as of this date. As you have indicated to me that you will be calling on him the week of the 25th I hope he will have this information in hand at that time.

As I believe all the questions to be resolved will require Headquarters action I am withholding further comment until I hear from the Chief, Lands & Surveys.

Michael H. Allen

Michael H. Allen

LAW OFFICES OF
MICRONESIAN LEGAL SERVICES CORPORATION

ATTORNEYS AND MICRONESIAN COUNSELORS

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CENTRAL OFFICE
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TELEPHONE 6228

PALAU OFFICE
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POST OFFICE BOX 826
SAIPAN, MARIANA ISLANDS 96950
TELEPHONE 6243

YAP OFFICE
POST OFFICE BOX 206
COLONIA, YAP
WESTERN CAROLINE ISLANDS 96943

REPLY VIA AIR MAIL TO Yap Office

June 18, 1973

Mr. Mike Allen
Land Management Officer
Colonia, Yap 96943
Western Caroline Islands

Reference: Y-0176, Weloy & Gilman

Dear Mike,

This Office is representing the following eight employees of the Yap District Land Commission who were given first notice of termination of their employment with the Commission by your office on April 30, 1973:

Weloy Registration Team

1. Gidibmaa
2. Falarog
3. Googdow

Gilman Registration Team

4. Fanagchel
5. Libyan
6. Tamag
7. Foryey
8. Lirad

The employment status of the eight is unclear, both for the period which they worked from date of hire until April 30th, and for the present time. They do not wish to lose their positions, especially at this time when they have made credit and loans on the reasonable assumption that their positions would continue into the foreseeable future. The Gilman clients say that they were assured by former Land Commissioner Killian that the task to which they were assigned would last for a generation. They took the assurance to mean that, so long as they performed their work properly, they would hold their positions as long as they wished. Bear in mind that, as well as the eight can recall, the Gilman group were in their positions for some thirty six months and the Weloy group for some fifteen months, prior to April 30, 1973. Before we can determine what rights the eight

Mr. Mike Allen
Page 2
June 18, 1973

may have regarding job retention and grievance procedures it is essential that we know the nature of the employment status of the eight, both prior to April 30th and today.

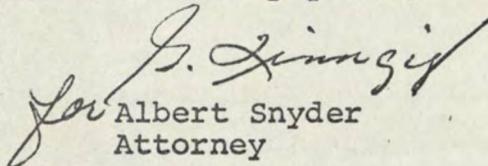
If it should appear that, by the law and regulations applicable to their case, the eight are not entitled to retain their positions, there will remain the matter of unpaid wages and accumulated annual leave.

It appears undisputed that each of the eight performed their regular functions for the Commission through Friday, April 28, 1973. Nonetheless, the first four employees listed above received no paychecks for the Government pay periods ending March 31, April 14, and April 28, 1973. The last four employees listed above received no paychecks for the Government pay periods ending April 14 and April 28, 1973. In addition, none of the eight has yet received a lump sum payment of the accumulated leave regularly reported for each of the eight in the Government's finance records.

As to the matter of payment, it would appear that, whatever Government law or regulations may be applicable to their case in terms of job retention, it is not the eight who should suffer for the Government's failure to give them notice of termination. Whether or not they have their jobs back in the future, it appears clear that, because they worked and because they accumulated leave time in the normal course of Government service, the eight should be paid fully and promptly. I think that this is a correct position based on fundamental principles of contract law.

The eight quite naturally wish an early clarification of their employment status, prompt payment of wages due, and, if applicable, payment of leave accrued. Please inform me, as promptly as Government procedures permit, whether these eight Government employees may expect a speedy and complete administrative resolution of their claims.

Sincerely yours,


Albert Snyder
Attorney

gt

xc: Gidibmaa
Falarog
Googdow
Fanaqchel
Libyan
Pamag
Paryay
Lirad

Leave Accumulation - Temporary Appointments

5-29-73

Director of Personnel, Saipan

There have been several inquiries this week concerning whether or not Temporary Appointments accumulate both annual and sick leave as do permanent employees. I have gone through FL-4C-49 to seek an answer to this inquiry, but there is nothing I can place my finger. Will you please let me know current policy concerning subject inquiry?

Harriet Weinrich
DFO, Yap

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : File

DATE: 5/18/73

FROM : District Land Management Officer

SUBJECT: 2nd meeting With Land commission employees

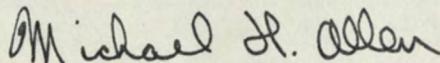
Present:	Self	Falarog
	John Pong-translated	Gidibma
	Gogdow	Tamag
	Libyan	Fareyey
	Fanaguchel	

Opened meeting with Pong reading and then translating Dispatch R150248Z from Chief, Lands & Surveys.

I told the men that apparently Kozo was not going to come down to Yap as he had advised me he would over the phone. Instead I had received the dispatch on Wednesday instructing me to separate the Land Commission employees since no Senior Land Commissioner had been recruited.

The men were visibly angered but again their first concern was the checks they had not received. I indicated I would do what I could towards getting them the money due but that it was going to be difficult as the Government had a policy of not allowing temporary hire to work more than one year which they had.

After considerable discussion among several of the men, Pong translated that they had said that they would go back to their village and wait to hear about the checks, but that the Government should not bother them with the program again. They had had a difficult time "selling" it to the people in the village to start with and now that the program was being canceled they would be put in a difficult position in the village.



Michael H. Allen

QSL

DLMO

7C7C DYAO11/16/GK
R 1603207 MAY 73

FM DISTAD YAP

TO HICOMTERPACIS SAIPAN

BT

PASS TO CHIEF, LAND & SURVEYS. ACKNOWLEDGING YOUR DISPATCH R1502487 AND INSTRUCTIONS TO SEPARATE YAP LAND COMMISSION EMPLOYEES. 13 TEMPORARY HIRE AND ONE RECENTLY APPOINTED PERMANENT EMPLOYEE WILL BE SEPARATED. REQUEST YOUR PERMISSION TO RETAIN TWO PERMANENT LAND COMMISSION EMPLOYEES, GARBEE, JOSEPH; FAIMAU, JOSEPH. BOTH ARE EFFECTIVE AND USEFUL EMPLOYEES AND SHOULD BE RETAINED IN OUR PROGRAM IF AT ALL POSSIBLE. RECENT PERSONNEL CEILING REDUCTION MAKES TRANSFER TO LAND MANAGEMENT IMPOSSIBLE. PLEASE ADVISE. DLMO YAP
BT

NNNN

COPY

YDA022/15/DM
ZCZC SYA019ZCZC HSA12/15/NL SYA
R 150248Z MAY 73
FM HICOMTERPACIS SAIPAN
TO DISTAD YAP

BT

FOR DISTAD AND DLMO. DISPATCH 102337 AND DLMO MEMO APRIL 27 RE
YAP LAND COMMISSION EMPLOYEES. SEPARATE LAND COMMISSION EMPLOYEES
PENDING RECRUITMENT OF SENIOR LAND COMMISSIONER. THUS FAR WE HAVE
RECEIVED NO APPLICATIONS FROM QUALIFIED PERSONS FOR POSITION
OF SENIOR LAND COMMISSIONER YAP. HQLS SENDS.



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Hawaiian & Pacific Collections

Redaction Sheet

Collection number: MANUSCRIPT P00071

Collection name: Trust Territory of the Pacific Islands Archive

Reason for redaction:

Personnel action

#pages: 1

Original location:

TTPIAlid: 00730

Folder Title: 178.14.05 part 2. Land Commission. Yap.

Box / Folder: TTPIA box 017 Folder 11 / Reel 0053 Section 003

Reel / Section: TTPIA box 017 Folder 11 / Reel 0053 Section 003

Redacted by: Eleanor Kleiber

Date: 2025 - December - 12
YYYY Month DD

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the District Administrator
Yap, Western Caroline Islands

May 11, 1973

Memorandum

To: All Department and Activity Heads
From: District Administrator
Subject: Temporary Employees

A dispatch was received today from the Director of Finance as follows:

THIS IS TO CALL YOUR ATTENTION THAT TEMPORARY
EMPLOYEES SHOULD NOT REPEAT NOT BE PERMITTED

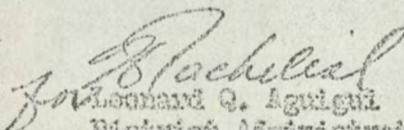
TO CONTINUE WORKING BEYOND THE EXPIRATION OF
THEIR TEMPORARY PERIOD OF EMPLOYMENT TO AVOID

UNAUTHORIZED OBLIGATION OF SALARIES. RESPECTIVE
PROGRAM SUPERVISORS ARE HELD RESPONSIBLE FOR THE

CONTROL OF THIS RESTRICTION. SALARIES DUE FOR
WORK PERFORMED BEYOND EXPIRATION DATES WILL NOT

BE PROCESSED FOR PAYMENT. PLS ADV RESPONSIBLE
SUPERVISORS ACCORDINGLY. DIR/FIN.

All departmental managers are requested to comply with this directive.


Leonard Q. Aguigui
District Administrator

UNITED STATES GOVERNMENT

Memorandum

TO : File

DATE: 5/1/73

FROM : District Land Management Officer

SUBJECT: RDO Conf. with Chief, L&S

My call 3:00 PM.

Advised Kozo that I had met with members of the Land Commission after learning from finance that paychecks would not be processed since their temporary appointments had expired. Kozo replied that he would be coming to Yap on the week of the 13th and would meet with the Commission members and review the problem at that time.

Nothing further discussed.

M. H. Allen

Michael H. Allen

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : File

DATE: April 30, 1973

FROM : District Land Management Officer

SUBJECT: Personnel meeting with members of Yap District Land Commission

Present: Tony Lungun	Foreyey
Edward Fitlog-translated	Fanaguchel
Harold Temme	Lirad
Self	Gogdow
Thotico Tamag	
Libyan	

I advised the L.C. employees that after it was brought to my attention on Friday that they had not received checks I had checked with finance to find out what the problem was. I was advised at that time that the men would not be paid since their temporary appointments had expired.

Finance had given me a sheet titled "LISTING OF EMPLOYEES NOT BEING PAID for PAY PERIOD ENDING 4/14/73" which I showed to the men.

I advised them that they will have to be on Leave Without Pay Status until the matter is resolved. I also told them that Mrs. Weinrich told me that the temporary appointments can not be extended and that the men will have to be made permanent or terminated. I advised them that I did not feel that the decision was mine to make.

The men asked that I call Kozo Yamada and ask him to give the problem his personal attention. I said that I would call him.

The only questions asked were about the checks which have not been received. The men seem much more concerned about the missing checks than their future employment status.

Michael H. Allen

Michael H. Allen

Chief, Lands & Surveys
Thru : District Administrator
District Land Management Officer

April 27, 1973
Serial: LMX0599

Non Payment of Temporary Hire Yap Land Commission Employees

Attached please find a copy of the Micro Payroll computer printout for the pay period ending April 14, 1973.

This is the second pay period which has passed with non payment of these employees. Apparently these employees must either be terminated or permanently employed. Without knowledge of the future status of the Yap Land Commission we are unable to recommend either course of action.

Accordingly I am requesting that these employees be placed on leave without pay status until this matter can be resolved.

We would appreciate your earliest advise on this matter.

Michael H. Allen

attachment: as stated



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Hawaiian & Pacific Collections

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Redacted by: Eleanor Kleiber

Date: 2025 - December - 12
YYYY Month DD

TRUST TERRITORY OF THE PACIFIC ISLANDS

Office of the District Administrator, Yap

TO : Chief, Lands & Surveys
Thru: District Administrator
FROM : District Land Management Officer

DATE: October 18, 1972
Serial: LMY0543

SUBJECT: Listing of Land Management and Land Commission Employees

As discussed in our radio conference of October 16, enclosed is a listing of Land Management and Land Commission employees of the Yap District for payroll correction purposes.

Attached also is an October 10 memorandum from the District Personnel Officer Yap. Please note the expiration dates for employments of all but two of our District Land Commission employees as shown in the attachment to the memorandum. Decisions regarding the retention of these employees as permanent employees or their release will have to be made in the very near future.

Michael H. Allen

Michael H. Allen

attachments

LAND MANAGEMENT EMPLOYEES

PERMANENT:

Account No. 5.513

Pong, John
Rubario, Dick
Ganang, Tedeyos
Ruwol, Louis
Falmed, Mark
Ken, Joseph
Rodriguez, George
Gamou, Francis
Chieg, Gilbert
Fitlog, Edward
Lungun, Tony
Gargog, Thomas
En, Robert
Laman, Francis

LAND COMMISSIONER EMPLOYEES

TEMPORARY:

PERMANENT:

Account No. 5.520

Falarog, Frank
Mafthin, Buenavent
Falagrong, Kugufel
Lirad
Tamag, Thotico
Foryey, Steven
Borbee, John
Liyon
Gilpong, David
Googdow, Albert
Kigilig
Fanaguchel, Peter
Libyan, Michael
Nugum
Rabaywun
Gidibma, John

Faimau, Joseph
Garbee, Joseph

RESIGNED:

Falamar, Jesus
Buchun

TRUST TERRITORY OF THE PACIFIC ISLANDS
Office of the District Administrator
Yap, Western Caroline Islands

October 10, 1972

Memorandum

To: All Department Heads Concerned (See Distribution Below)

From: District Personnel Officer, Yap

THRU: District Administrator *[Signature]*

Subject: Short Term Provisional or Temporary Appointments

In line with the intent of Public Law 49-49 relative to provisional (Temporary or W.A.E.) appointments, I have listed on the enclosure employees in your department appointed under this category, showing the date of appointment and the expiration date of this appointment.

As you have been informed by my memorandum dated September 12, 1972, provisional or temporary appointments, including W.A.E. status, are to be for a period of 90 days. The Director of Personnel may extend this period for a maximum of an additional 90 days after receiving justification from the departmental supervisor concerning this extension.

For actions effected prior to the enactment of PL-49-49, the length of time for most of these appointments was placed at a longer period, as reflected on the listing attached.

It is therefore requested that department heads review the list as herein given and make a decision one month prior to the expiration date concerning what action you desire to take concerning each case. Names followed by asterisks should be acted upon immediately.

Harriet Weinrich
Harriet Weinrich

cc: District Director/Education
District Director/Health Services
District Director/Public Works
District Communications Officer
District Agriculturist
District Economic Development Officer
District Land Management Officer

Director of Personnel, Saipan (info only)

Enc.

AGRICULTURE - TEMPORARY EMPLOYEES

<u>Name and Title</u>	<u>Appt. Date</u>	<u>Expiration Date</u>
George Nakamura, Trades Helper	8-29-72	11-29-72
Alexander Ngesang, Trades Helper	9-22-72	12-22-72

ECONOMIC DEVELOPMENT - TEMPORARY EMPLOYEES

Ignacio Santiago, Trades Helper (Diver)	6-25-72	12-25-72
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Employees under old A-Schedule - Conversion action to new schedule forwarded to Headquarters Personnel on 8-22-72.

Francisco Wag, Diver (W.A.E.)	5-14-71	*
Francisco Buyon, Diver "	9-6-71	*
Hideo B. Tarkong " "	7-26-71	*
Louis Manafel " "	9-20-71	*
Gabriel Anafel " "	1-23-72	*
Jesus Chorow " "	1-10-72	*

LAND MGT/COMMISSION - TEMPORARY EMPLOYEES

John Dorbo, Laborer II	4-16-72	4-16-73 ✓
Jesus Palomar, Laborer II	4-16-72	4-16-73 ✓
Peter Panagochel, Land Title Invest.	4-2-72	4-2-73 ✓
Forrey, Stephen, " " "	4-2-72	4-2-73 ✓
John Gidilma, " " "	1-23-72	1-23-73 ✓
Frank Palowog, " " "	1-23-72	1-23-73 ✓
David Gilpong, Laborer II	4-16-72	4-16-73 ✓
Albert Gaudaw, Land Title Invest.	1-23-72	1-23-73 ✓
Kigilig, Laborer II	4-16-72	4-16-73 ✓
Fakogrig Jygoim Land Title Invest.	4-2-72	4-2-73 ✓
Michael Lihyan, " " "	4-2-72	4-2-73 ✓
Lirad, " " "	4-2-72	4-2-73 ✓
Liyon, Laborer II	4-16-72	4-16-73 ✓
Ben, Maltrin, Laborer II	4-16-72	4-16-73 ✓
Nagan, Laborer II	9-3-72	12-3-72 ✓
Rebaywan, Laborer II	4-16-72	4-16-73 ✓
Thotico Farag, Land Title Invest.	4-2-72	4-2-73 ✓

Employees under W.A.E. old A-Schedule

Reygin, Surveying Aide	11-29-71
Jesse Gwathag, Surveying Aide	1-10-72

* Immediate decision and action are necessary.

District Administrator

November 2, 1972

Serial: LMY0545

District Land Management Officer

Monthly Report for October 1972

PERSONNEL:

Realty Specialist, Edward Fitlog traveled to Guam for two weeks medical referral.

LAND ADMINISTRATION:

Site and severance boundaries have been negotiated for the New Hospital site.

District Land Title Officer Opinions for site certification were submitted to the Chief, Lands and Surveys for the Economic Development Building and the addition to the District Administration Office.

Realty Specialist Fitlog successfully negotiated for the acquisition of ten sites for dispensaries in the Outer Islands during a regular field trip. Harold Temme followed this up with the acquisition of three more sites on Ulithi Atoll during a regular field trip. Difficulties regarding one additional site were cleared up by Temme on a short special trip abroad the L.C.U. At this time negotiations for all 14 sites in the Outer Islands required for the Crash Hill - Burton Dispensary Program have been successfully completed. Boundary negotiations are completed on the two aide-station sites in Gagil and Fanif.

Return of Service documents have been executed and filed for all services of summons made on defendants in Yap Civil Action 66, Water and Sewer condemnations. Service remains to be made on 5 defendants who are off-island and one previously unknown defendant on Yap.

Negotiations for the Fedoor Rock Quarry have been resumed. Two meetings were held with O.E.O. Attorney, Al Snyder representing the land owners in the negotiations. No response regarding a definite offer made to the landowners has been received to date.

LAND CADASTER PROGRAM:

Surveying and monumentation continues in Dugor, Weloy and Towoway, Gilman.

The District Personnel has advised as of the impending necessary termination of almost all Land Commission employees who are on temporary hires. Decisions must be reached soon concerning the continuation or cessation of the program.

SURVEYING AND MAPPING:

A two man surveying team headed by Engineering Aide Gilbert Chieg completed surveys of ten dispensary sites on Outer Islands.

On a later field trip a four man team headed by Harold Temme completed 3 dispensary surveys on Ulithi.

This was followed by one more trip by Temme with one man to Asor Ulithi to complete the survey which had not been possible to complete on his prior to Ulithi.

Surveys were completed of Aide Station sites of Gagil and Fanif.

Drawings 5017 thru 5026, all of dispensary sites have been submitted to Headquarters Land and Surveys for checking and subsequently returned for corrections.

Drawing 5027 and 5028 have been submitted to Headquarters for checking.

Field work is underway on surveying of the Yap Hospital Site.

A resurvey of a portion of Parcel S.W. 176 has been made as a result of realignment of the road following condemnation proceedings. A drawing is being prepared.

Michael H. Allen
District Land Management Officer

cc: Chief, Lands and Surveys

