

**Digest of Precedent
Decisions Issued under Title VI
of the International Claims Settlement Act
of 1949, as amended by Public Law 94-542**

AWARDS

Where evidence of record established that an entry had been made in the land records for Gotha on September 2, 1952, indicating property owned by a United States national had been placed under administration by the government on the basis of a decree dated September 6, 1951, which authorized such action with respect to foreign-owned property in the German Democratic Republic, the Commission held that property was taken by the GDR within the meaning of section 602 of the Act and that claimant was entitled to an award for the value of his equity in the property on the date of loss, ([Claim of George L. Rosenblatt, Claim No. G-0030, Decision No. G-0100](#)).

Commission also held that all awards will include 6% simple interest on the principal amount of the award from the date of loss until the date of settlement by the GDR, ([Claim of George L. Rosenblatt, Claim No. G-0030, Decision No. G-0100](#)).

The Commission found that, where a savings account owned by a United States national was cancelled by virtue of the fact that it was subject to the Decree of September 6, 1951 on the Protection and Administration of Foreign Property in the GDR, claimant was entitled to an award in dollars for the value of the account, after reduction at the rate of 10 reichsmarks to 1 new ostmark resulting from a 1948 currency reform, and calculated on the basis of 4.2 ostmarks equal to one dollar, the rate of exchange as determined by the Commission on the date of loss in 1952, ([Claim of Olga Loeffler, Claim No. G-0056, Decision No. G-0221](#)).

The Commission found that a property interest of a United States national which was expropriated in 1948, prior to the date the government of the German Democratic Republic formally came into existence, would be considered as taken in 1948, where the evidence of record clearly established the date of loss, ([Claim of Kurt W. Fleischer, Claim No. G-0047, Decision No. G-0690](#)).

Where property owned by a United States national was condemned or claimed by the GDR under reconstruction laws, and where prompt and adequate compensation was not paid to owner, a taking of property within the meaning of section 602 of the Act was found by the Commission, ([Claim of Karin Stuebben Thornton, Claim No. G-2056, Decision No. G-0802](#)).

The loss of title to property resulting from Nazi persecution prior to World War II was held by the Commission not to have deprived a persecutee or his heirs of a beneficial interest in property later taken by East German government and, therefore, where United States nationals held such interests in property taken prior to September 6, 1951 or December 18, 1951 in the case of property in East Berlin (See the [Claim of Mark and Ida Priceman, Claim No. G-2116, Decision No. G-1073](#)), an award was granted for the value of claimants' interest on the date of taking by the GDR, ([Claims of Martha Tachau and Gerhard M. Helft, Claim Nos. G-0177 and G-0178, Decision No. G-1071](#)).

Where holders of a beneficial interest (See the [Claims of Martha Tachau and Gerhard M. Helft, Claim Nos. G-0177 and G-0178, Decision No. G-1071](#)) were United States nationals on September 6, 1951 or December 18, 1951 in the case of East Berlin, the Commission found a compensable taking, because the Decrees on the Protection and Administration of Foreign Owned Property, enacted on those dates, terminated all rights of restitution of beneficial interest holders, ([Claim of Mark and Ida Priceman, Claim No. G-2116, Decision No. G-1073](#)).

Bond obligations owned by United States national on date issuer was nationalized by GDR held compensable, ([Claim of Selma Medoff, Claim No. G-0001, Decision No. G-1299](#)).

Where property was taken by the German Democratic Republic and the claimant received some compensation in local currency placed in a blocked account in the GDR, the Commission determined the fair value of the property on the date of taking and granted an award for the difference between the amount claimant received in local currency and the value of claimant's interest in the property taken, ([Claims of Johanna Katharina Poppe, et al., Claim Nos. G-0971 and G-0991, Decision No. G-1434](#)).

The Commission held in claim by United States national for pharmacy privilege that where persecutee lost such privilege prior to the end of World War II, beneficial interest would be considered as cut off by GDR under "Decree on the Rearrangement of the Pharmacy System" of June 22, 1949 and that the value of the privilege, where actual value on date of loss is unavailable, will be based upon formula used by GDR for compensating its own citizens for the loss of such privileges, ([Claim of Larry Lubin, Claim No. G-0704, Decision No. G-1627](#)).

Where claimant had previously received an award under Public Law 87-846 (The General War Claims Program) and payments on the award for the loss of property as the result of "special measures" control taken by Nazi government during World War II of American owned property which was located after World War II in territory where return to United States owner was precluded), award granted by Commission for subsequent taking by East German authorities of the same property was net of prior payments received under Public Law 87-846, ([Claim of the Equitable Life Assurance Society of the United States, Claim No. G-3589, Decision No. G-3231](#)).

In claims for property seized by Soviet military forces at the end of World War II and used or shipped to the U.S.S.R., the Commission held that the German Democratic Republic was not liable under international law, unless East German authorities had acted to take the property, prior to Soviet removal, ([Claim of International Telephone & Telegraph Corporation, Claim No. G-2401, Decision No. G-3164](#)).

DENIALS

Where property was not located in the German Democratic Republic, and where that government was not responsible for the taking of the property, the Commission held that a claim for the loss of the property was not compensable under section 602 of Act, ([Claim of John K. Milanovich, Claim No. G-0300, Decision No. G-0001](#)).

Where a claim was based on the death of claimant's husband during WWII and not on the expropriation, nationalization or other taking of property, the Commission held that the claim was not compensable, ([Claim of Bertha Zweben, Claim No. G-0019, Decision No. G-0002](#)).

Where property was located in an area of Poland which lay within the boundaries of Germany prior to 1945, the Commission found that its loss after WWII could not form the basis of a compensable claim, ([Claim of Helen Tylinski, Claim No. G-0168, Decision No. G-0006](#)).

Claim based on suffering and humiliation occurring during WWII was held not compensable under the Act for the reason that such loss was not the result of a nationalization, expropriation or other taking of property, ([Claim of Rachela Montiljo, Claim No. G-0057, Decision No. G-0019](#)).

Claimant who owned property for which a claim was made, but who was not a United States national, as that term is defined in section 601 of the Act, on the date of loss, held not eligible for compensation under section 603 of the Act, ([Claim of Arnold Hochman, Claim No. G-0325, Decision No. G-0020](#)).

Where customs authorities of the German Democratic Republic confiscated, pursuant to valid regulation, certain cancelled and uncanceled stamps mailed by claimant to East Berlin, the Commission held that independent governments have the right to punish by confiscation the attempted introduction of contraband articles or the attempted removal of goods which are prohibited from export, and therefore denied the claim, ([Claim of Herbert Hamann, Claim No. G-0135, Decision No. G-0041](#)).

Claim for the loss of Reich bank notes issued prior to 1924 denied by the Commission for the reason that such notes lost their value due to the pre-WWII inflation and this loss also held not to be the responsibility of the German Democratic Republic, ([Claim of Emma W. Nollau, on behalf of Emil Carl Strippingen, Claim No. G-0250, Decision No. G-0042](#)).

Claim denied where claimant asserted loss of bonds issued prior to 1924 and denominated in old marks, for reason that the loss of the bonds' value was due to inflation and was not the result of a nationalization, expropriation or other taking by the German Democratic Republic, ([Claim of Henry Kraft, Jr., Claim No. G-0424, Decision No. G-0072](#)).

Where a claim was based entirely on personal property which did not survive WWII, the Commission held that the loss did not occur as a result of a nationalization, expropriation or other taking by the German Democratic Republic and that the claim was therefore not compensable under section 602 of the Act, ([Claim of Hirsch Bieler, Claim No. G-0690, Decision No. G-0105](#)).

Commission held that claimant who was not a United States citizen at the time of filing the claim was not eligible for compensation, for reason specified in section 603 of the Act, ([Claim of Ursel Bush, Claim No. G-3315, Decision No. G-0204](#)).

Where the evidence indicated that claimant was prohibited by valid law or regulation from removing personal property from the German Democratic Republic, but did not indicate that the property had been nationalized, expropriated or otherwise taken by the German Democratic Republic,

the Commission denied the claim under section 602 of the Act, ([Claim of Antonie De Vries, Claim No. G-0174, Decision No. G-0197](#)).

Where a claim was based on the loss of a government bond or other debt obligation, the Commission held that, in the absence of an express annulment or cancellation, mere non-payment of a debt owed by a foreign government did not constitute a nationalization, expropriation or other taking under section 602 of the Act, and that, therefore, the claim was not compensable, ([Claim of Rufus M. Ullman, Claim No. G-0018, Decision No. G-0205](#)).

Where claimant asserted the loss of a bank account, the Commission held that the placing of some restrictions on a bank account while allowing the depositor some limited access to the account does not constitute a nationalization, expropriation or other taking under section 602 of the Act, and, therefore, denied the claim, ([Claim of Martin Bendrick, Claim No. G-3285, Decision No. G-0220](#)).

Where the evidence was insufficient to prove the facts as alleged by claimant, even though those facts, if proved, would constitute a compensable claim, the claim was held to be not compensable on the ground that claimant had failed to meet the burden of proving a compensable claim under the Act as that burden is stated in FCSC Reg., 45 C.F.R. §531.6(d) {1977}, ([Claim of Walter C. Boeber, Claim No. G-0013, Decision No. G-0353](#)).

Where rights of restitution of persecutees or their heirs (See the [Claims of Martha Tachau and Gerhard M. Helft, Claim Nos. G-0177 and G-0178, Decision No. G-1071](#)) were terminated by the GDR before the holder of the right became a United States citizen, the Commission held that the claim is not compensable under section 603 of the Act, even though the actual property, as opposed to the right to restitution, may subsequently have been taken at a time when claimant was a United States citizen, ([Claim of Arthur Simon, Claim No. G-0479, Decision No. G-1072](#) and [Claim of Heinz E. Gerstle, Claim No. G-2050, Decision No. G-1278](#)).

Where the evidence established that claimant had no ownership interest in the property for which a claim was made, the Commission denied the claim, ([Claim of Anna Prekel, Claim No. G-3721, Decision No. G-1692](#)).

A claim not filed with the Commission until after the deadline for filing claims, as established by statute and regulation, held not compensable, regardless of the other merits of the claim, ([Claim of Adolf Glaser, Claim No. G-3836, Decision No. G-2170](#)).

Where claimant owned shares in a corporation located in West Germany, which, in turn, owned subsidiary corporations that were nationalized by the German Democratic Republic, the Commission held that claimant had an indirect ownership interest in the subsidiary corporations, that less than 25% of the ownership was held by United States nationals, and that the claim was, therefore, not compensable under section 604(c) of the Act, ([Claim of Arthur Michaelis, Claim No. G-1055, Decision No. G-2201](#)).

Commission held that where evidence established property claimed was taken after October 18, 1976, the date Title VI was enacted, the Commission had no authority to grant an award for such loss, ([Claim of Gertrude Bullock, Claim No. G-2298, Decision No. G-0734](#)).