

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

LOUIS CHUSED
335 Lantana Avenue
Englewood, New Jersey

Claim No. BUL-1,140

Decision No. BUL-224

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Benedict Ginsburg, Esquire
475 Fifth Avenue
New York 17, New York

FINAL DECISION

This is a claim against the Government of Bulgaria under the provisions of Section 303(1) of the International Claims Settlement Act of 1949, as amended, based upon an alleged loss of personal property in the form of \$8,000.00 in Italian lira currency, taken from the person of the claimant, then an enlisted man in the United States armed forces, following a parachute landing in Bulgarian territory during World War II, and capture by Bulgarian authorities.

In a Proposed Decision issued on March 26, 1958, the claim was denied. Objections were filed with testimony of the claimant taken and argument presented at a hearing held on June 18, 1958.

Although the partially corroborated oral testimony of the claimant may sometimes be sufficient to establish the fact of loss, it is not the usual practice to accept his uncorroborated testimony as to the extent of loss. This is commonly the case regardless of the apparent truthfulness with which such testimony may be given. Nevertheless, such testimony is not necessarily to be totally disregarded nor claimant totally deprived of compensation. International tribunals faced with similar problems of compensation where testimony

as to the amount of loss is uncorroborated have sometimes resorted to a measure which may be approximately stated as follows: the damages which a person of similar station in life may ordinarily have been expected to suffer under similar circumstances. (See Feller, The Mexican Claims Commission 279, 303.)

The rule is very difficult of application under the circumstances of this particular claim. Nevertheless, the reasons for the rule are particularly apparent in a program where, because of inadequacy of funds, the allowance of any claim in any amount serves to deplete the balances available for prorata distribution on claims which have been established beyond all controversy.

After a careful review of the entire record, the Commission is of the opinion that the fact of claimant's loss has been established and that a fair and just amount at which to fix compensation is the sum of \$2,000.00. The Commission concludes that the claimant is entitled to an award under Section 303(1) of the Act for two-thirds of that amount, since under this section awards are limited to two-thirds of the loss or damage actually sustained.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to LOUIS CHUSED in the amount of One Thousand Three Hundred Thirty-Three Dollars and Thirty-Four Cents (\$1,333.34).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States on his behalf, of any rights against the Government of Bulgaria for the unpaid balance of the claim, if any.

It is ORDERED that the award granted herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

AUG 13 1950

Whitney Phillips

Henry J. Clay
COMMISSIONERS

W.H.B.
am

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IN THE MATTER OF THE CLAIM OF

LOUIS CHUSED
335 Lantana Avenue
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Under the International Claims Settlement
Act of 1949, as amended

Claim No. BUL-1,140

Decision No. BUL- 334

GPO 16-72126-1

PROPOSED DECISION

This is a claim against the Government of Bulgaria under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, for the loss of certain personal property valued at eight thousand dollars (\$8,000.00), allegedly taken from the person of the claimant, then a member of the Armed Forces of the United States, following a parachute landing in Bulgarian territory and capture by Bulgarian authorities during World War II.

For the reasons specified by the majority of the Commission in the attached copy of Proposed Decision No. RUM-344, In the Matter of the Claim of James Allen Brittain (RUM-30,012), this claim is denied.

Dated at Washington, D. C.

MAR 26 1958

FOR THE COMMISSION:

Donald G. Benn
Donald G. Benn, Director
Balkan Claims Division

Commissioner Pace dissents, for the same reasons as given in the Brittain case - Claim No. Rum-30,012, which is attached.

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