

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

IN THE MATTER OF THE CLAIM OF

ROSE KLARMAN
80 Avenue C
New York 9, New York

Claim No. RUM-30,076

Decision No. RUM-609

Against the Government of Rumania
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72128-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on November 24, 1958, a copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

JAN 19 1959

Whitney Hilliland

Pearl Pace

Robert L. Kunzig
COMMISSIONERS

USA
WB
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PROPOSED DECISION

This is a claim for \$6,500.00 against the Government of Rumania under Section 303(1) of the International Claims Settlement Act of 1949, as amended, by ROSE KLARMAN, a national of the United States since her naturalization on November 16, 1943, for the loss of personal property located in Cluj, Rumania during World War II.

Section 303(1), the provision of the Act relating to claims based on war damage, provides, inter alia, for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of certain claims of nationals of the United States against the Government of Rumania, arising out of the failure of such government to restore or pay compensation for property of nationals of the United States as required by articles 24 and 25 of the Treaty of Peace with Rumania. Article 24 of the Treaty provides that Rumania shall restore all legal rights and interests in Rumania of the United Nations and their nationals as they existed on September 1, 1939, and that it shall return all property of the United Nations and their nationals in Rumania as it existed on September 15, 1947 (the effective date of the treaty of peace).

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Paragraph 5 of article 24 provides that the Government of Rumania shall not be responsible for those losses arising from damage to property in Northern Transylvania belonging to the United Nations or their nationals which took place during the period when this territory was not subject to Rumanian authority.

Inasmuch as the property involved herein was located in Cluj, Rumania, a part of Northern Transylvania, it is concluded by the Commission that Cluj, Rumania was under the administration and control of the Government of Hungary during World War II; and, that a claim for war damage to property in this territory is appropriately one against the Government of Hungary.

The claim for the loss of personal property at Cluj, Rumania, during World War II, has been designated by the Commission as Claim No. HUNG-22,377, In the Matter of the Claim of Rose Klarman, which will be considered on its own merits.

For the foregoing reasons, this claim is denied. The Commission deems it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

NOV 24 1958

FOR THE COMMISSION:

William Barrett
William Barrett, Acting Director
Balkan Claims Division

USA.
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