

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

IN THE MATTER OF THE CLAIM OF

ABRAHAM HOFFMAN  
2350 Broadway  
Apt. #1138  
New York 24, New York

Against the Government of Rumania

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. RUM-30,877

Decision No. RUM-153

GPO 16-72126-1

Counsel for Claimant:

Benjamin S. Wolman, Esquire  
150 State Street  
Albany, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on June 18, 1957, a certified copy of which was duly served upon the claimant. 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.

SEP 4 1957

Whitney Gilliland  
Henry S. Jantje  
COMMISSIONERS

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WB  
dsB.  
Mr

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PROPOSED DECISION

This is a claim under Section 303(1) of the International Claims Settlement Act of 1949, as amended, against the government of Rumania by ABRAHAM HOFFMAN for loss of personal property destroyed as a result of war.

Claimant asserts that he suffered loss on July 27-28, 1944, in Bucharest, Rumania, when his furniture, clothing, jewelry and other personal property were destroyed during an air raid. Claimant also states that he became a naturalized citizen of the United States on August 6, 1953.

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 claims of nationals of the United States against the Government of Rumania, arising out of 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 of peace with Rumania provides, inter alia, for the restoration of rights and return of property in Rumania of the United Nations and their nationals, and for the payment of compensation to United Nations nationals whose property in Rumania suffered war damage or can not be returned, and United Nations nationality is made to depend upon nationality in any one of the United Nations on September 12, 1944, the date of the armistice with Rumania. Article 25 provides relief with respect to property in Rumania for persons, organizations or communities which suffered loss by reason of racial origin, religion, or other Fascist measures of persecution. However, claims under Section 303(1) of the International Claims Settlement Act as amended, are restricted by the language of the Act itself to those of United States nationals arising out of ownership of property by nationals of the United States.

The reference in Section 303(1) to article 24 of the Treaty, effects a modification of the well settled rule of international law which requires ownership of a claim by a national or nationals of the espousing nation continuously from its inception as a condition for compensation thereof. Thus a claim arising under article 24 or 25 of the Treaty may be found compensable under Section 303(1) if the property on which it is founded or the claim arising from such ownership, was owned at the time of armistice and continuously thereafter by a person who was a national of the United States on September 12, 1944, the date of the armistice with Rumania. In the instant case, however, it is found that neither the property which is the subject of the claim nor the claim was owned at the time of the armistice with Rumania by a person who was a United States national on September 12, 1944,

and the claim may not, therefore, be considered compensable under Section 303(1).

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

Dated at Washington, D. C.

FOR THE COMMISSION:

*Donald G. Benn*

Donald G. Benn, Director  
Balkan Claims Division

*gb*  
*WB*

*th*

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