

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

IN THE MATTER OF THE CLAIM OF

SIMON ROSENBERG  
3721 Menlo Road  
Shaker Heights 20, Ohio

Claim No. HUNG-21,932

Decision No. HUNG-1560

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

gpo 16-72128-1

Counsel for Claimant:

Danaceau, Cohn and Brown  
700 Carnegie Hall Building  
Cleveland 15, Ohio

FINAL DECISION

The Commission issued its Proposed Decision on this claim on October 29, 1958 , a 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 the claim, and it is further

ORDERED that the award granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

DEC 30 1958

*Whitney Hilliland*  
*Paul Pace*  
*Robert L. Kunzig*  
COMMISSIONERS  
*USA.*  
*OSB*  
*ARM*

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PROPOSED DECISION

This is a claim against the Government of Hungary under Section 303(1) of the International Claims Settlement Act of 1949, as amended, for \$9,090.00 by SIMON ROSENBERG, a national of the United States since his naturalization in the United States on April 27, 1944, for the loss of personal property in Hungary during World War II.

The claimant has been unable to submit evidence which fully substantiates his allegations as to ownership and the extent of his loss with respect to the personal property on which his claim is founded. Nevertheless, the Commission, not being bound by the usual rules of evidence, is persuaded that he owned some property in Hungary which was lost within the meaning of Section 303(1) of the Act, and that he has not received any compensation therefor from the Government of Hungary. Denial of the claim for the lack of corroboration under such circumstances would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of reliable evidence precludes an award of the full amount claimed.

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Accordingly, the Commission finds that the claimant was the owner of certain personal property in Kolozsvar, Hungary which was lost or destroyed as a result of World War II and for which loss no compensation has been paid by the Government of Hungary. The Commission further finds that the loss or damage actually sustained amounted to Seven Hundred Fifty Dollars (\$750.00) and concludes that claimant is entitled to an award in the amount of Five Hundred Dollars (\$500.00) under Section 303(1) of the Act, since under this Section, awards are limited to two-thirds of the loss or damage actually sustained.

AW A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to SIMON ROSENBERG in the amount of Five Hundred Dollars (\$500.00).

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 Hungary for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

OCT 29 1958

FOR THE COMMISSION:

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