

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

IN THE MATTER OF THE CLAIM OF

CECILIA FEUERWERKER  
33 Clara Street  
Brooklyn, New York

Against the Government of Rumania

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. RUM-30,277

Decision No. RUM-192

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on July 11, 1957, denying this claim on the ground that it had not been established that it was owned by nationals of the United States at the time it arose.

Claimant objected to the Proposed Decision stating that at the time her property was confiscated by the Government of Rumania in 1948, her son born in the United States on April 28, 1948 had an interest in the property. However, claimant submitted no evidence to establish that her son's interest was other than inchoate.

The Commission holds that the taking prior to August 9, 1955 of an inchoate interest which never vested in an American citizen by the Government of Rumania does not give rise to a valid claim under section 303 of the Act.

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.

NOV 6 1957

*Whitney Gilliland*

*Henry J. Clayth*  
COMMISSIONERS  
WB  
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ATM

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PROPOSED DECISION

This is a claim against the Government of Rumania under Section 303 of the International Claims Settlement Act of 1949, as amended, for the value of real property in Rumania which allegedly was confiscated by the Rumanian Government. Claimant alleges that she became a national of the United States by naturalization on August 4, 1953.

Section 303(2) of the Act provides 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, among others, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property in Rumania of nationals of the United States.

Under well established principles of international law, unless otherwise provided by treaty, in order for a claim espoused by the United States to be compensable, the property upon which it is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which arose from such loss must have been owned by a United States national or nationals continuously thereafter.

Accordingly, the Commission finds that the claim is not compensable under Section 303(2) of the Act, for the reason that it has not been established that it was owned by a United States national at the time that it allegedly arose.

Similarly, when considered under the provisions of Section 303(1) of the Act, which relate to claims for damage during World War II, this claim is found to be not compensable. Section 303(1) authorizes, inter alia, receipt and determination of claims of United States nationals for failure of the Government of Rumania 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 provides for the restoration of rights and return of property of the United Nations and their nationals and for the payment of compensation to United Nations nationals whose property suffered war damage or can not be returned, and United Nations nationality is made to depend either upon nationality in any one of the United Nations on September 12, 1944, the date of the armistice with Rumania, or upon having been treated as an enemy under the laws in force in Rumania during the war. Article 25 requires the restoration of, or compensation for, property which was the subject of measures of sequestration, confiscation or control on account of the racial origin or religion of persons under Rumanian jurisdiction.

However, claims under Section 303(1) of the International Claims Settlement Act are restricted by the language of the Act itself to those owned by United States nationals. As to such claims, the customary rule of international law as to the national character of a claim is modified by application of provisions of the treaty and the Act, so that a claim arising under the treaty may be found compensable under Section 303(1) if the property on which it is founded, or the claim arising from loss of the property, was owned by a national or nationals of the United States on September 12, 1944, the date of the armistice with Rumania, and continuously thereafter. In the instant case, however, it is found that it has not been established that either the property or the claim was owned by a United States national on September 12, 1944, and the claim may not, therefore, be considered compensable under Section 303(1).

Accordingly, the Commission finds that it has not been established that the claim was owned by a United States national at the time that it arose, or on September 12, 1944, and it is, therefore, denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

JUL 11 1957

FOR THE COMMISSION:

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

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