

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

ROSINA ELIZABETH YANOSCH
3216 North 5th Street
Philadelphia, Pennsylvania

Claim No. RUM-30,003

Decision No. RUM - 260

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

GPO 16-72126-1

PROPOSED DECISION

This is a claim filed under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, against the Government of Rumania, for compensation for forced labor and suffering resulting from claimant's alleged involuntary removal to the Union of Soviet Socialist Republics on January 18, 1945.

Section 303 of the Act, the only provision relating to claims against Rumania, provides that the Commission shall receive and determine the validity of three types of claims against the Government of Rumania, among others, as follows: (1) claims for damage, confiscation or destruction of property in Rumania as provided for in Articles 24 and 25 of the Treaty of Peace with Rumania, (2) claims for the nationalization, compulsory liquidation or other taking of property in Rumania and (3) claims for the failure of the Government of Rumania to meet certain contractual obligations expressed in currency of the United States.

Claimant alleges that on January 18, 1945, she was turned over to the "Russian Government" by the Rumanian authorities, and that she thereafter was forced to perform hard labor in the Union of Soviet Socialist Republics. She further states that while performing such labor, she contracted an illness as a result of which she was, in 1948, returned to Rumanian authorities.

The Commission finds that this claim does not lie within the scope of the claims covered by Section 303 or any other section of the Act. This claim does not involve a property loss such as contemplated under Articles 24 and 25 of the Treaty of Peace with Rumania and under Section 303(2) of the Act for the nationalization, compulsory liquidation or other taking of property; nor does it fall within the ambit of Section 303(3) which provides relief with respect to claims based on certain contractual obligations.

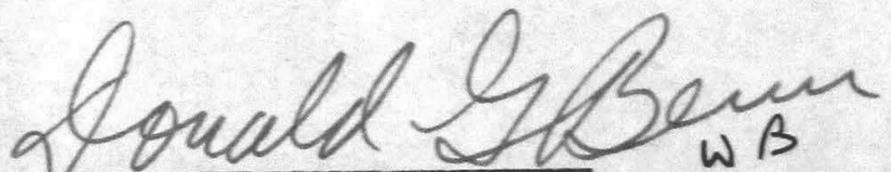
It is clear that the International Claims Settlement Act of 1949, as amended, does not purport to embrace all those types of claims against the Government of Rumania which are cognizable under the rules of international law, and it is equally apparent that the type of claim asserted by claimant herein is not within the purview of the Act.

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

Dated at Washington, D. C.

OCT 2 1957

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division

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