

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

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BOS

IN THE MATTER OF THE CLAIM OF

GERALD LEWIS HEALEY  
1233 Simmons Drive  
Rockcrest Rockville, Maryland

Claim No. IT-10,390

Decision No. IT-723

Under the International Claims Settlement  
Act of 1949, as amended

GPO 942329

Attorney for Claimant:

BERNARD POVICH, Esquire  
850 Washington Building  
Washington 5, D. C.

FINAL DECISION

The Commission issued its Proposed Decision on this claim on August 13, 1958, 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, and it is further

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

Washington 25, D. C.

OCT 6 1958

*Pearl Carter Pace*

*Robert L. Kunzig*

COMMISSIONERS

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PROPOSED DECISION

This is a claim for \$21,561.00 by Gerald Lewis Healey, a citizen of the United States since his birth on August 25, 1902 in Hoboken, New Jersey, and is for the loss of personal property (household furnishings in his residence apartment, No. 4 Rue du Poilu, and restaurant furnishings and equipment in his place of business at 13 Rue de l'Eglise, both located in the Villefranche sur Mer, France); also seeks reimbursement of a sum loaned to him by the United States Government and loss of income, all of which are a result of the war in which Italy was engaged from June 10, 1940 to September 15, 1947.

The facts as established by the evidence of record reveal that the claimant was the owner of the personal property located in the residence and place of business for which claim is made. It is further established by the evidence of record that the loss occurred in February 1941 as a consequence of military operations in which Italy participated. While the date of the loss is not definitely established by the records, it is deemed to have occurred on or about February 22, 1941 for the purpose of this decision.



The claimant seeks compensation in the amount of \$653.00 for money advanced by the Department of State, the transportation costs for himself and his family from Lisbon to the United States. This portion of the claim must be and hereby is denied for the reason that Section 304 of the Act does not provide for the payment of such items. He also seeks compensation for loss of estimated income from his restaurant. This portion of the claim must be and hereby is denied for the reason that such loss is speculative in character and is not compensable.

The Commission further finds from the evidence and data before it that the fair and reasonable value of the property lost was \$4,828.10.

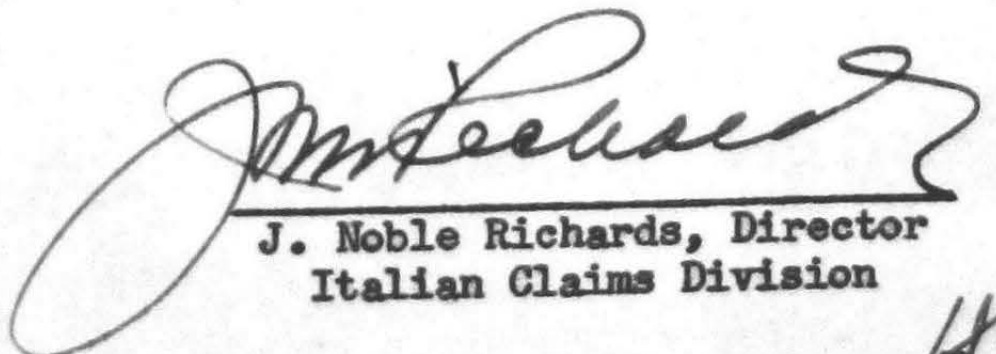
A W A R D

On the above evidence and grounds, this claim is allowed and an award is hereby made to Gerald Lewis Healey in the principal amount of \$4,828.10, plus interest thereon in the amount of \$2,076.08, being 6% per annum from February 22, 1941, the date the loss occurred, to April 23, 1948, the date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1957.

Washington 25, D. C.

FOR THE COMMISSION:

AUG 13 1958

  
J. Noble Richards, Director  
Italian Claims Division

*HM*