

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

WALTER C. BOEBER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0013

Decision No. G-0353

ORDER AND AMENDED FINAL DECISION

This claim in the asserted amount of \$40,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of a one-sixth interest in an apartment house at 160 Gustav Adolf Strasse in East Berlin.

The record indicates that claimant acquired United States citizenship in 1926.

By Proposed Decision dated January 17, 1979, the Commission denied this claim for the reason that claimant had failed to meet the burden of proof in that he had not submitted evidence to establish that he had acquired an ownership interest in the property on which the claim is based. A Final Decision affirming the denial of the claim was issued on October 3, 1979.

Subsequently, new evidence was obtained by the Commission's field office in Munich which would warrant a change in the Commission's Final Decision on this claim. Therefore, it is ordered that this matter be reopened and redetermined based upon the new evidence received by the Commission.

The new evidence obtained by the Commission's field office in Munich indicates and the Commission now finds as follows:

1. Claimant WALTER C. BOEBER acquired a one-eighth interest in the real property 160 Gustav Adolf Strasse in East Berlin.

2. His interest in the property was taken by the German Democratic Republic on or about July 1, 1960.

3. Having taken into consideration that the 1935 tax assessed value for the property in question was 41,500 reichsmarks, that the property had an outstanding mortgage of 25,000 reichsmarks as of 1948 and that there was a general increase in the value of real property in Eastern Europe after World War II, the value of the property on the date of loss was \$16,000.00.

Based upon the foregoing, the Commission concludes that WALTER C. BOEBER is entitled to an award in the amount of \$2,000 for his one-eighth interest in the loss as compensation under section 602 of the Act.

The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act, for the nationalization or other taking of property or interests therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (Claim of GEORGE L. ROSENBLATT, Claim No. G-0030, Decision No. G-0100 (1978)).

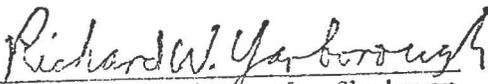
Accordingly, it is ordered that: the Final Decision denying this claim be vacated; an award be granted as set forth below; and the foregoing be entered as the Commission's final determination on this matter.

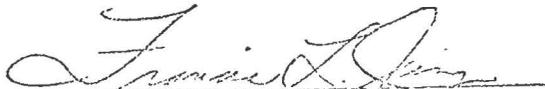
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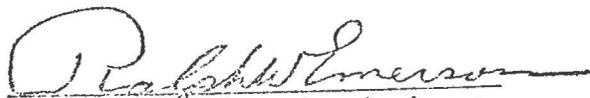
Claimant, WALTER C. BOEBER, is therefore entitled to an award in the amount of Two Thousand Dollars (\$2,000.00), plus interest at the rate of 6% simple interest per annum from July 1, 1960 until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

Dated at Washington, D.C.
and entered as the ORDER
and amended Final Decision
of the Commission.

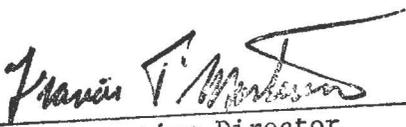
MAY 13 1981


Richard W. Yarborough, Chairman


Francis L. Jung, Commissioner


Ralph W. Emerson, Commissioner

This is a true and correct copy of the decision
the Commission which was entered as the final
decision on MAY 13 1981


Executive Director

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

WALTER C. BOEBER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0013

Decision No. G-0353

Appeal and objection from a Proposed Decision entered on January 17, 1979. No Oral Hearing Requested.

Hearing on the Record held on October 3, 1979.

FINAL DECISION

This claim in the asserted amount of \$40,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of a one-sixth interest in an apartment house at 160 Gustav Adolf Strasse in East Berlin.

Claimant states that he acquired United States citizenship in 1926.

In its Proposed Decision dated January 17, 1979, the Commission denied this claim for the reason that claimant failed to submit evidence to establish that he owned an interest in the property claimed.

Under section 602, Title VI of the Act, the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

By letter dated January 27, 1979, claimant objected to the Proposed Decision. However, no additional evidence was submitted. Claimant alleges that he owns a 1/6th interest in the subject property by inheritance from his sister, Maria Loest.

Prior to the issuance of the Proposed Decision the Commission made numerous efforts to assist claimant in substantiating his ownership interest in the property on which this claim is based. By letter dated May 31, 1978 claimant was asked to submit evidence of his ownership interest, specifically, a copy of the will of his asserted predecessor in interest or an affidavit of heirship.

Claimant submitted no documentation but replied by letter dated June 4, 1978: "All papers were sent to you with my first claim. Since there is no progress in this matter it would be best to forget the whole thing."

The Commission's field office in West Germany conducted an investigation and reported that they could not confirm claimant's asserted 1/6 ownership interest in the property.

In view of the foregoing and having reviewed the entire record in this claim including claimant's objections the Commission finds that there is no alternative but to affirm the Proposed Decision denying this claim.

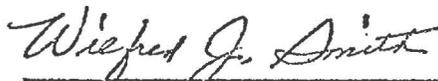
Accordingly, it is

ORDERED that the Proposed Decision be and it is hereby affirmed.

Dated at Washington, D.C.
and entered as the Final
Decision of the Commission.


Richard W. Yarborough, Chairman

OCT 3 1979


Wilfred J. Smith, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

WALTER C. BOEBER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0013

Decision No. G-0353

PROPOSED DECISION

This claim in the asserted amount of \$40,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of a one-sixth interest in an apartment house at 160 Gustav Adolf Strasse in East Berlin.

Claimant states that he acquired United States citizenship in 1926.

Under section 602, Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

At the time of filing, claimant stated that he inherited in 1950 a one-sixth interest in real property located in East Berlin upon the death of his sister, Marie Loest, and that such property had been taken in 1945.

By Commission letter dated May 31, 1978 claimant was advised that an investigation by the Commission's field office in West Germany was unable to establish his ownership interest in the property claimed. It was suggested that claimant submit evidence

to establish his ownership interest, and suggestions as to how to provide such evidence were made.

Claimant responded, but did not submit evidence to establish his ownership interest.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim.
(FCSC Reg., 45 C.F.R. § 531.6 (d) (1977)).

By letter dated November 20, 1978, the Commission's staff in West Germany reported that their efforts to obtain documentation to establish claimant's ownership interest in the subject property were unsuccessful.

Therefore the Commission finds that claimant, WALTER C. BOEBER, has failed to meet the burden of proof in that he has not submitted evidence to establish that he owned property or an interest therein which was taken by the German Democratic Republic as required for compensation under section 602 of the Act, supra.

For the above cited reason the claim must be and hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.


Richard W. Yarborough, Chairman

JAN 17 1979


Wilfred J. Smith, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended).

At any time after Final Decision has been issued on a claim, or a Proposed Decision has become the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with this program, a petition to reopen on the ground of newly discovered evidence may be filed. (FCSC Reg., 45 C.F.R. 531.5 (1), as amended).