

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

IN THE MATTER OF THE CLAIM OF

RACHELA MONTILJO

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-0057

Decision No. G-0019

Consideration of Objections to a Proposed Decision issued on  
September 21, 1977. No Oral Hearing requested.

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Hearing on the Record held September 12, 1978.

FINAL DECISION

This claim in an unstated amount against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon suffering and humiliation occurring during World War II.

In its Proposed Decision the Commission denied the claim on the basis that the Commission's jurisdiction is limited by section 602 of the Act to losses arising ". . . as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property. . ." and that claimant's claim for suffering and humiliation did not fall within that category.

Claimant filed objections to the Proposed Decision.

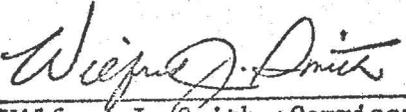
Claimant has forwarded several letters in support of the objections, all of which reiterate the suffering and humiliation to which claimant was subjected during the Second World War. However, claimant has forwarded no evidence to bring this claim within the purview of Public Law 94-542.

Therefore, the evidence of record does not warrant any change in the Proposed Decision.

Accordingly, it is ORDERED that the Proposed Decision be and it hereby is affirmed as the Final Decision of the Commission.

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

12 SEP 1978

  
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Wilfred J. Smith, Commissioner

  
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Robert E. Lee, Commissioner

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PROPOSED DECISION

This claim in an unstated amount against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon suffering and humiliation occurring during World War II.

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:

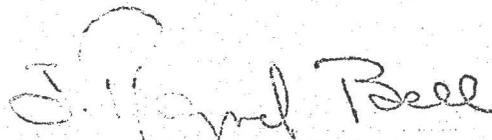
"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or 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 . . ."

Therefore, the only losses which the Commission is authorized to find compensable under this statute are losses arising from the nationalization, expropriation or other taking of property. Claims based upon various forms of suffering, incarceration, injury or personal deprivation resulting from Nazi persecution during World War II, as asserted herein, are not included as a type of loss for which the Commission is authorized to make an award. The claim, therefore, must be and it 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.

21 SEP 1977



J. Raymond Bell, Chairman



Wilfred J. Smith, Commissioner



Robert E. Lee, 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. 513.5 (e) and (g), as amended.)