

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

IN THE MATTER OF THE CLAIM OF

ANTONIE DE VRIES

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0174

Decision No. G-0197

PROPOSED DECISION

This claim in the asserted amount of \$12,000.00 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, approved October 18, 1976 (90 Stat. 2509), is based upon personal property located in the German Democratic Republic.

Claimant states that she became a United States citizen in 1962.

Sections 602 and 603 of Title VI of the Act limit the Commission's jurisdiction as follows:

"Sec. 602. 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. . ."

"Sec. 603. A claim shall not be favorably considered under section 602 of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss, and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

At the time of filing, claimant stated that she owned certain personal property being kept for her in Zehdenick/Mark, and that she could not remove the property from the German Democratic Republic.

By letter dated November 15, 1977, claimant was advised that the Commission's authority under Public Law 94-542 was limited to the nationalization, confiscation or other taking by the German Democratic Republic of property owned by United States nationals. Claimant was advised to obtain and submit evidence to establish that she owned property in the German Democratic Republic which was taken on or after February 5, 1962, the date she assertedly acquired United States citizenship.

Claimant responded by letter dated November 20, 1977, indicating that her claim was limited to the fact that she was restricted from removing her personal property from the German Democratic Republic. She also asked if the Commission could assist her in disposing of her property.

By letter dated December 1, 1977, the Commission advised the claimant that it had no authority to assist her in disposing of property in the German Democratic Republic and again informed her that it would be necessary for her to submit evidence of a nationalization or other taking by the German Democratic Republic in order to establish a compensable claim under Public Law 94-542. To date no such evidence has been received.

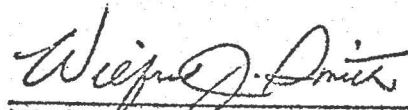
Therefore, based upon the foregoing, the Commission finds that the claimant, ANTONIE DE VRIES, has failed to submit evidence to establish that she owned property which was nationalized or otherwise taken by the German Democratic Republic at a time when she was a United States national as required for compensation under the Act, supra.

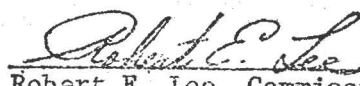
Accordingly, for the above cited reason the claim must be and hereby is denied.

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

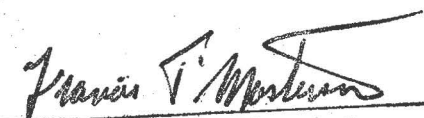
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

16 AUG 1978


Wilfred J. Smith, Commissioner


Robert E. Lee, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 26 SEP 1978


Executive Director

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.)