

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

IN THE MATTER OF THE CLAIM OF

RUDOLPH W. GANSS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-0219

Decision No. G-0214

PROPOSED DECISION

This claim in the amount of \$555.00 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 (90 Stat. 2509), is based upon a loan made to claimant's brother in 1929.

Under section 602 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. . ."

Therefore, the only losses which the Commission is authorized to find compensable under the statute are losses arising from the nationalization, expropriation or other taking of property which, under international law, is the responsibility of the German Democratic Republic.

Claimant asserts that during 1929 he made certain loans to his brother, who was then a German citizen and resided in Germany. The total amount loaned equaled \$1,050.00. Between 1930 and 1939

various repayments were made, leaving a balance due on the note of approximately \$555.00. On February 3, 1942, claimant asserts that the balance was "confiscated as American property by the German government." By letter dated December 9, 1977, the claimant was requested to provide further information, explaining just what action was taken by the Nazi Government in 1942 and whether claimant's brother continued to make payments after this date and whether any account had been established concerning the balance of this note, which could have subsequently been taken by the German Democratic Republic.

By reply dated December 28, 1977, claimant informed the Commission that he was not aware of any such account, and that no further payments were made by his brother after the beginning of 1942. Claimant further delineated his unsuccessful efforts at determining whether any account existed at a bank in Germany after the war and stated that he met with his brother's former wife and requested all papers in her possession relative to this note, but these apparently consisted solely of a small account book delineating the dates of payment. This book has been examined by the Commission and confirms the statements here and above set forth concerning the loan and repayments thereon.

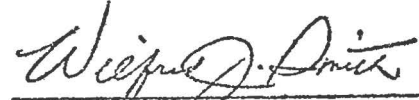
Based upon the above facts, it appears to the Commission that there was a private debt owing from his brother to the claimant and that although some action may have been taken by the Nazi Government in registering this debt as an enemy asset, there is no evidence that any further payments were made by claimant's brother and claimant states that to the best of his knowledge no further payments were made by claimant's brother. Therefore, although it appears to the Commission that there may have been an unpaid private debt obligation between claimant and his brother, this obligation is not the responsibility of the German Democratic Republic and the loss in no way arises from a nationalization, expropriation or other taking of property as required by section 602 of the Act, supra.

For this reason this claim must be an 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.

23 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.)