

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

IN THE MATTER OF THE CLAIM OF

ARNOLD HOCHMAN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-0325

Decision No. G-0020

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 the loss of personal property, a tailoring business and the death of a daughter, all of which occurred during World War II.

Claimant asserts he became a United States citizen on September 9, 1955.

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 for the death of an individual, as asserted herein, are not included as a type of loss for which the Commission is authorized to make an award.

Furthermore, section 603 of Title VI of the Act limits the Commission's jurisdiction as follows:

"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."

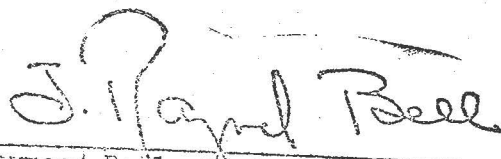
The loss of personal property and the business occurred, according to the claimant, in 1940, and the claimant states that he became a United States citizen in 1955. Therefore, the property was not owned by a United States citizen at the time of its loss as required by section 603 of Title VI of the Act.


For the above cited reasons the entire 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.

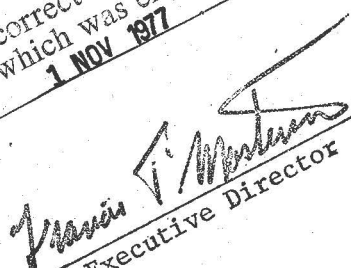
21 SEP 1977

  
J. Raymond Bell, Chairman

  
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 1 NOV 1977

  
Francis T. Montuono  
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.)