

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

IN THE MATTER OF THE CLAIM OF

EARL N. REINSEL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0433

Decision No. G-2674

PROPOSED DECISION

This claim in the amount of \$118,996.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 95-542 (90 Stat. 2509), is based upon the loss of personal property and a house and land in Potsdam, German Democratic Republic.

The record indicates that claimant was born a United States citizen on May 4, 1900.

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. . ."

The evidence of record in this claim establishes that claimant EARL N. REINSEL owned a house and land at Alfred Rosenbergstrasse 11, now called Robert Kochstrasse, in Potsdam-Babelsberg, Germany. After the outbreak of World War II, claimant's property was put under the administration of the Reichskommissar for the Administration of Enemy Assets, as of August 7, 1942.

The evidence of record in this claim, including a letter from the chairman of the Trusteeship for the Assets of Allied Countries and Their Citizens, dated August 8, 1947, indicates that, as of July 1945, claimant's property in Potsdam had been administered and put to the use of the Soviet Military Authority in Germany. The Commission therefore finds that claimant's property was taken as of July 1, 1945 by the Soviet Military Authority. Takings by the Soviet Military Authority were subsequently ratified by the German Democratic Republic after its establishment in 1949. Accordingly, claimant EARL N. REINSEL is entitled to an award for the loss of this property under section 602 of the Act.

Claimant's file contains much documentation concerning the value of the real property and the furnishings contained in the house. The documentation includes an inventory drawn up in 1942 by the administrator of the property; a description of the property given by the claimant; the tax-assessed value of the real property and evidence of a mortgage encumbering it; a letter from the wartime administrator indicating that the property had been damaged during the war but that repairs were taking place as of the date of the letter, March 7, 1944; and information indicating that the property was used to house dignitaries for the Potsdam Conference after the close of the war. Taking all these facts into account, as well as the general increase in land values in Europe, and using the 1945 exchange rate of four reichsmarks to one dollar, the Commission finds that the house and land at Robert Kochstrasse 11 in Potsdam had a value of \$20,000.00 on July 1, 1945.

The evidence of record indicates that some of the furnishings of the house had been destroyed during the bombing of World War II. War damage is not compensable under Public Law 94-542. The Commission is authorized to grant awards only for property actually taken by the Soviet authorities or the German Democratic Republic after the war. Accordingly, the Commission finds that the remaining items of personal property, including furnishings and cars owned by the claimant, had a value of \$20,000.00 as of July 1, 1945. Claimant EARL N. REINSEL is therefore entitled to an award in the total amount of \$40,000.00.

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)).

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Claimant, EARL N. REINSEL, is therefore entitled to an award in the amount of Forty Thousand Dollars (\$40,000.00) plus interest at the rate of 6% simple interest per annum from July 1, 1945 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 Proposed
Decision of the Commission.

OCT 20 1980

Richard W. Yarborough
Richard W. Yarborough, Chairman

Francis L. Jung
Francis L. Jung, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision on DEC 31 1980

Francis T. Weston
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. 531.5 (e) and (g), as amended.)