

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

IN THE MATTER OF THE CLAIM OF

HIRSCH BIELER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0690

Decision No. G-0105

PROPOSED DECISION

This claim in the amount of 75,000 marks 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 an industrial oil and grease business which was sold under duress in 1936. The claimant asserts that he became a United States citizen on June 16, 1943.

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 original loss of business property and inventory occurred, according to the claimant, by a sale under duress in 1936, and the claimant states that he became a United States citizen on June 16, 1943. Therefore, any claim based upon a loss of such property in 1936 may not be favorably considered by the Commission if for no other reason than that the property was not owned by a United States citizen at that time.

Furthermore, section 602 of Title VI of the Act sets forth the Commission's 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 claimant does not assert any loss of real property, and the evidence of record does not establish that the assets of the oil and grease business, which are the subject of this claim, survived World War II. Therefore, there was no property in existence to be the subject of a loss "arising as a result of the nationalization, expropriation or other taking" by the German Democratic Republic, as required by section 602 of Title IV 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.

10 MAY 1978

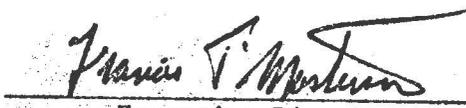


Wilfred J. Walsh, Commissioner



Robert L. Smith, Assistant Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision on 14 JUN 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.)