

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

IN THE MATTER OF THE CLAIM OF

WARNER HAASE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-1733

Decision No. G-0848

ORDER

This claim in the amount of \$70,000.00 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 (90 Stat. 2509), is based upon the loss of real property and business property in East Berlin.

In its Proposed Decision, issued on June 20, 1979, the Commission denied this claim for the reason that there was no evidence in the record or basis to presume that the subject property was taken at a time when it was owned by a United States national, as required for compensation under the Act. Since no Objection was filed within the prescribed time limit, the Proposed Decision was entered as the Commission's Final Decision on July 25, 1979.

By letter dated November 3, 1979, claimant requested the Commission to reconsider his claim. Accompanying claimant's letter was a copy of correspondence from the City Council of East Berlin, dated August 20, 1979, acknowledging that the subject real property on Romberg Strasse--on which the improvements were destroyed during World War II--had been taken by the German Democratic Republic and converted into "People's Property." Claimant asserts that the real property was still unimproved when he last visited East Berlin in 1972, but that a building has been

constructed on the premises since then. Claimant maintains that the construction of such a building is evidence that the subject real property was taken after 1972, at which time he was a United States citizen as required for compensation under the Act.

The Commission notes, however, that the real property involved herein was originally lost as a result of Nazi persecutory measures in 1942. Although the Commission has held in the Claim of MARTHA TACHAU, Claim No. G-0177, Decision No. G-1071, that such persecutees or their successors in interest retained beneficial interests in their property after the loss during the Nazi era, the Commission also held in the Claim of MARK PRICEMAN, Claim No. G-2116, Decision No. G-1073, that the decree issued on December 18, 1951 in East Berlin providing for public administration of foreign-owned property in the city constituted a termination of the rights of restitution of former persecutees or their heirs and a taking of their beneficial interests in properties they formerly owned.

Regardless of whether the property was actually taken over by the German Democratic Republic on a later date, the Commission has consistently held in this claims program that the beneficial interests in East Berlin properties retained by persecutees who had resettled outside Germany were taken by the German Democratic Republic no later than December 18, 1951. Claimant WARNER HAASE, however, did not acquire United States citizenship until February 23, 1954. Therefore, the Commission finds that the taking of his beneficial interest in the subject real property on Romberg Strasse in East Berlin occurred on a date when it was not owned by a United States national, as required for compensation under section 603 of the Act.

Accordingly, the Commission hereby denies the claimant's petition to reopen this claim and affirms the Final Decision denying this claim in its entirety.

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

MAY 15 1981

Richard W. Yarborough
Richard W. Yarborough, Chairman

Francis L. Jung
Francis L. Jung, Commissioner

Ralph W. Emerson
Ralph W. Emerson, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision on MAY 15 1981

Francis T. Masterson
Executive Director

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PROPOSED DECISION

This claim in the amount of \$70,000.00 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 (90 Stat. 2509), is based upon the loss of real property and business property in East Berlin.

The record indicates that claimant became a United States citizen on February 23, 1954.

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 property occurred, according to the claimant, in September 1942, during the Nazi era. Therefore, any claim based upon a loss of such property in 1942 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.

By letter dated December 12, 1978, claimant was advised that the Commission's authority under Public Law 94-542 is limited to consideration of 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 the loss of property occurred on or after February 23, 1954, the date claimant assertedly acquired United States citizenship. Claimant responded on April 26, 1979, but submitted no evidence of a taking on or after February 23, 1954.

Based upon its knowledge of the decrees and regulations of the German Democratic Republic, the Commission is convinced that there is no reason to conclude that there was any act which could be construed as a nationalization, expropriation or other taking of this property by the GDR on or after February 23, 1954. It, therefore, follows that any loss of this property occurred prior to the time it was owned by a United States national.

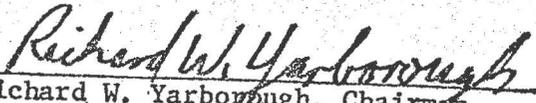
Therefore, based upon the foregoing, the Commission finds that the claimant has failed to submit evidence to establish that he owned property which was nationalized or otherwise taken by the German Democratic Republic at a time when he was a United States national as required for compensation under the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

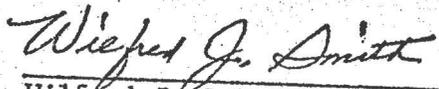
For the above cited reasons, the claim must be and hereby is denied.

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.

JUN 20 1979


Richard W. Yarborough, Chairman


Wilfred J. Smith, Commissioner

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).

At any time after Final Decision has been issued on a claim, or a Proposed Decision has become the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with this program, a petition to reopen on the ground of newly discovered evidence may be filed. (FCSC Reg., 45 C.F.R. 531.5 (1), as amended).