

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

IN THE MATTER OF THE CLAIM OF

HELEN DOROTHY REDER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-3726

Decision No. G-0206

PROPOSED DECISION

This claim in the asserted amount of \$5,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon two years of forced labor and the loss of real and personal property, which losses arose in Poznan, Poland.

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 based upon various forms of suffering, incarceration, injury or forced labor resulting from Nazi persecution during World War II, as asserted in part herein, are not included as a type of loss for which the Commission is authorized to make an award. The claim for forced labor, therefore, must be denied.

Furthermore, to be compensable under the Act, certain conditions must be met. The statute requires that the loss must have occurred in the German Democratic Republic or in East Berlin. Additionally, the loss must be the responsibility of the German Democratic Republic. The losses of property for which claim is made herein arose in Poland.

The Commission is aware of the fact that certain territory, which now constitutes Poland, was, prior to 1945, part of Germany. However, subsequent to 1945 no control over this area was exercised by any German government, and at no time was control over this area ever exercised by the German Democratic Republic.

Therefore, the property not being located in the German Democratic Republic or in East Berlin and the loss thereof not being the responsibility of that Government, the claim for property losses under the present Act must be denied.

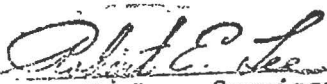
For the above reasons the entire claim must be and hereby is denied.

The Commission finds it unnecessary to make determinations concerning any 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. 531.5 (e) and (g), as amended.)