

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

IN THE MATTER OF THE CLAIM OF

ADOLF GLASER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-3836

Decision No. G-2170

PROPOSED DECISION

This claim in the amount of 111,000 Marks 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 a hospital and land at Augustusstrasse 11, in Burgstaedt, as well as hospital equipment located in the premises.

The record indicates that the claimant became a United States citizen on December 3, 1940.

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. Such claims must be submitted to the Commission within the period specified by the Commission by notice published in the Federal Register (which period shall not be more than twelve months after such publication) within sixty days after the enactment of this title or of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title whichever date is latter." (Emphasis added)

The period for the filing of claims under the statute commenced on May 16, 1977 and closed twelve months later on May 16, 1978. Thus, the filing period extended for the maximum time--twelve months--allowed under Public Law 94-542. The subject claim, dated September 25, 1978, was not received at the Commission until

October 3, 1978. Since the one year filing period provided under the statute had already expired, this claim was not timely filed. Under Public Law 94-542, therefore, the Commission is not authorized to grant an award.

Based upon the evidence of record, the Commission finds that this claim would have been compensable in part if it had been timely filed. The record establishes that the property at Augustusstrasse 11, in Burgstaedt, was purchased in 1930 by the claimant, who apparently converted the premises into a small surgical hospital. Based upon the Commission's precedents in the Claim of MARTHA TACHAU, Claim No. G-0177, Decision No. G-1071, and the Claim of MARK PRICEMAN, Claim No. G-2116, Decision No. G-1073, the Commission finds that claimant would have retained a beneficial interest in the subject property after its original loss during the Nazi era as a result of racial and religious persecution, and that this beneficial interest would have been taken by the German Democratic Republic on September 6, 1951, when a law was passed which effectively terminated all rights of restitution of former persecutees or their heirs who by that time were citizens or permanent residents of a foreign country. The Commission finds that the building and land had a value of \$22,000.00 at the time of taking in 1951, and that claimant would have been entitled to an award in that amount if this claim had been timely filed. Since the claim did not meet the filing deadline, however, the Commission is not authorized under Public Law 94-542 to grant an award. Therefore, the claim for the hospital and land involved herein must be denied.

Part of this claim is based upon the loss of hospital equipment located in the Augustusstrasse premises in 1933. The evidence of record does not establish the nature and value of such equipment, however, nor that it was still in existence at the end of World War II and taken thereafter by the German Democratic Republic, as required for compensation under section 602 of the Act. Therefore, even if this claim had been timely filed, the portion thereof based upon the loss of hospital equipment would not be compensable.

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, DC
and entered as the Proposed
Decision of the Commission.

MAY 7 1980

For Presentation to the Commission



by David H. Rogers, Director
German Democratic Republic
Division

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on SEP 10 1980



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.)