

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

IN THE MATTER OF THE CLAIM OF

INGA KALLEN BERGER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-3856

Decision No. G-0580

PROPOSED DECISION

This claim in the amount of \$20,000.00 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 education and mental suffering during the Nazi regime.

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. . ."

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 the loss of education and mental suffering resulting from Nazi persecution, as asserted herein, are not included as a type of loss for which the Commission is authorized to make an award. The claim, therefore, must be and it hereby is denied.

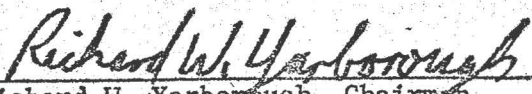
The Commission also notes that this claim was not timely filed. Thus, even if an otherwise compensable claim were asserted herein, the Commission would not be authorized under Public Law 94-542 to grant an award.

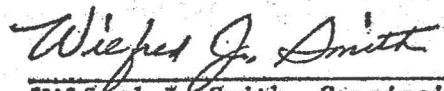
For the above cited reasons, the claim must be and hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

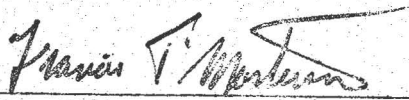
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

MAR 21 1979


Richard W. Yarborough, Chairman


Wilfred J. Smith, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on APR 25 1979


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.)