

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

IN THE MATTER OF THE CLAIM OF

RESTEL OHLWEILER SCOTT

Claim No. CN-0576

Decision No. CN- 521

Under Title V of the International Claims  
Settlement Act of 1949, as amended by  
Public Law 89-780

Counsel for Claimant:

Cartwright, Saroyan, Martin  
& Sucherman, Inc.

---

PROPOSED DECISION

This claim, for \$114,691.42, against the Chinese Communist regime, under Title V of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of improved real property and certain personal property in Shanghai, China. Claimant has been a national of the United States since his birth on December 28, 1893 in Connecticut.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), as amended by 80 Stat. 1365 (1966), 22 U.S.C. §§1643-1643k, Supp. II (1967)], the Commission is given jurisdiction over claims of nationals of the United States against the Chinese Communist regime. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Chinese Communist regime arising since October 1, 1949 for

losses resulting from the nationalization, expropriation, intervention 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.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Chinese Communist regime or by enterprises which have been nationalized, expropriated, intervened, or taken by the Chinese Communist regime and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Chinese Communist regime.

The Commission's Regulations provide that claims under Title V of the Act (claims against the Chinese Communist regime) shall be filed with the Commission on or before July 6, 1969 (FCSC Reg., 45 C.F.R. Sec. 531.1(f) (1969)); and further that any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period. (Reg., Sec. 531.2(i))

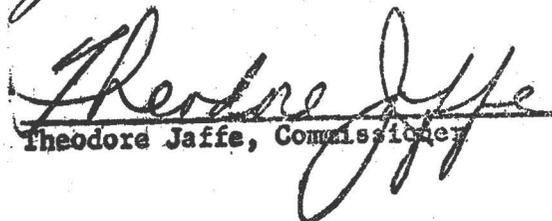
The Commission's records reflect that by letter of August 20, 1967 the claimant requested that claim forms covering his asserted losses in China due to actions of the Chinese Communist regime be sent to him at his present address. On August 24, 1967 said forms were mailed to the claimant. No claim was filed with this Commission by or on behalf of the claimant within the allowable period for timely filing of such claims.

In view of the foregoing, the Commission is constrained to deny this claim for untimely filing. The Commission deems it unnecessary to make determinations with respect to the merits of the claim.

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

**APR 28 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, 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 (1970).)

CN-0576