

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

IN THE MATTER OF THE CLAIM OF

LOUIS JOSEPH CINCOTTA

Claim No. V-0138

Decision No. V-0316

PROPOSED DECISION

This claim in the amount of \$5,169.00 against the Government of the Socialist Republic of Vietnam under Title VII of the International Claims Settlement Act of 1949, as amended by Public Law 96-606 (94 Stat. 3534), is based upon the loss of personal property in Saigon.

The claimant was born in Harrisburg, Pennsylvania on March 1, 1925 and has been a lifelong citizen of the United States.

Under section 703 of Title VII of the International Claims Settlement Act of 1949, as amended, the Commission is given the following jurisdiction:

"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 Vietnam arising on or after April 29, 1975, for losses incurred as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property which, at the time of such nationalization, expropriation, or other taking, was owned wholly or partially, directly or indirectly, by nationals of the United States to whom no restoration or adequate compensation for such property has been made... ."

The claimant states that he resided in Saigon from May 1974 to April 1975 at no. 32 Tran Cao Van. The claimant indicates that he was evacuated shortly before the fall of Saigon and was able to take with him only one suitcase worth of goods. The claimant has submitted a two-page list of items which he states he was forced to leave behind at his residence. Based on this

detailed inventory, in addition to sales receipts for a number of the items, the Commission finds the record sufficient to establish the claimant's ownership of the property claimed for herein.

The record contains no evidence as to what became of the subject property after the claimant's departure from Saigon in April 1975. However, the Commission has found that property left behind by Americans in South Vietnam would have been considered "property of the people" by the Communist authorities and taken under government control. In the absence of precise evidence as to when such action occurred, the Commission has held that such property was taken on or about May 1, 1975--the date the Communists completed their occupation of South Vietnam. (See Claim of BETTY JANET MITCHELL, Claim No. V-0358, Decision No. V-0259 (1984).) Accordingly, the Commission finds that the property involved in the instant claim was taken as of May 1, 1975.

As LOUIS JOSEPH CINCOTTA was a United States citizen at the time of loss, the Commission concludes that he is entitled to an award under the provisions of Public Law 96-606.

In determining the value of the subject property, the Commission has given careful consideration to the list furnished by the claimant as well as the sales receipts for some specific items. Although the claimant has asserted losses in the total amount of \$5,169.00, the Commission notes that the purchase prices in his itemized list total only \$4,992.00. Based on the entire record, the Commission determines that the subject property was worth a total of \$4,900.00 at the time of loss. Accordingly, the claimant is entitled to an award in the principal amount of \$4,900.00.

The Commission has concluded that in granting awards on claims under section 703 of Title VII of the Act, for the nationalization, expropriation, or other taking of property, interest shall be allowed at the rate of 6% simple interest per

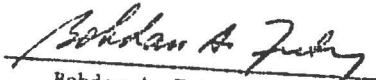
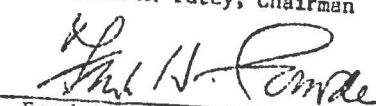
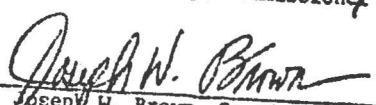
annum from the date of loss to the date of settlement. (See Claim of BETTY JANET MITCHELL, Claim No. V-0358, Decision No. V-0259 (1984).)

A W A R D

Claimant, LOUIS JOSEPH CINCOTTA, is therefore entitled to an award in the principal amount of Four Thousand Nine Hundred Dollars (\$4,900.00), plus interest at the rate of 6% simple interest per annum from May 1, 1975 until the date of settlement.

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

APR 22 1985


Bohdan A. Futey, Chairman

Frank H. Conway, Commissioner

Joseph W. Brown, Commissioner

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision.

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.)