

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

IN THE MATTER OF THE CLAIM OF

GENERAL ELECTRIC COMPANY

Claim No. V-0147

Decision No. V-0281

PROPOSED DECISION

This claim in the amount of \$9,260.38 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 owned by four GENERAL ELECTRIC employees in South Vietnam.

GENERAL ELECTRIC COMPANY is, and has been at all times pertinent to this claim, a national of the United States as defined in Section (702)(B) of the Act.

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 record indicates that four employees of GENERAL ELECTRIC COMPANY--E.L. Simmons, J.L. Hawes, P.D. Therrien, and P.J. Collopy--were evacuated from South Vietnam in April 1975 and forced to leave various items of personal property behind. The record contains no evidence as to what became of the subject property thereafter. 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 owned by the four GENERAL ELECTRIC employees in South Vietnam was taken as of May 1, 1975.

The record includes itemized lists of the property lost by each of the employees, as well as an internal company letter, dated November 14, 1975, indicating that GENERAL ELECTRIC was reimbursing its employees in the following amounts: E.L. Simmons--\$3,133.69, J.L. Hawes--\$275.33, P.D. Therrien--\$4,043.09, P.J. Collopy--\$1,808.27, for a total of \$9,260.38. The record includes signed statements prepared by each of the employees in 1984 acknowledging that they received reimbursement and assigning all their interests in claims against Vietnam to GENERAL ELECTRIC COMPANY. Since the four employees have all been lifelong U.S. citizens, the Commission finds that GENERAL ELECTRIC COMPANY, as the assignee of their claims, is entitled to an award under the Act.

In determining the value of the subject property, the Commission has given careful consideration to the itemized lists of property for the respective employees. The Commission finds the values listed therein to be reasonable and the reimbursement paid to each employee a good estimate of the value of his property at the time of loss. Accordingly, the Commission determines that GENERAL ELECTRIC COMPANY is entitled to an award in the principal amount of \$9,260.38, the total amount of reimbursement paid to the four employees.

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).)

AWARD

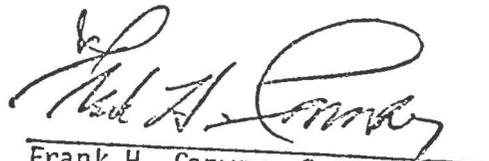
Claimant, GENERAL ELECTRIC COMPANY, is therefore entitled to an award in the principal amount of Nine Thousand Two Hundred Sixty Dollars and Thirty-Eight Cents (\$9,260.38), plus interest at the rate of 6% simple interest per annum from May 1, 1975 until the date of settlement.

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

**MAR 29 1985**

Commissioner Brown did not participate in the decision of this claim.

  
Bohdan A. Futay, Chairman

  
Frank H. Conway, 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.)

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