

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

IN THE MATTER OF THE CLAIM OF

GLEN ALAN WEST

Claim No. V-0166

Decision No. V-0261

PROPOSED DECISION

This claim in the amount of \$936.00 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 Bangkok, Thailand, as well as 7 months and 9 days of imprisonment in Cambodia.

The claimant states that he was born in Little Rock, Arkansas, and has been a lifelong United States citizen.

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... ."

In his statement of claim, GLEN ALAN WEST asserted that he was arrested by North Vietnamese Army officers in a hotel in Bangkok, Thailand, on February 13, 1970 and taken across the border into Cambodia, where he was held prisoner in various locations until September 22, 1970. On that date he was allegedly put on a plane to Phnom Penh and allowed to leave Cambodia. According to the claimant, the North Vietnamese confiscated \$558 worth of jewelry and cash at the time of his

arrest in Bangkok. The claimant also maintains that he should be entitled to \$60.00 a month in compensation for the time he was imprisoned in Cambodia.

With regard to the personal property portion of this claim, the record contains no evidence, aside from the claimant's own statements, of his ownership of the subject items of jewelry and cash or the taking of such property by North Vietnamese officers. Nor has the claimant provided any further explanation as to how and why he would have been arrested by North Vietnamese Army officers in Bangkok, since the North Vietnamese Army was not fighting or otherwise present in Thailand in 1970. The Commission sent a letter to the claimant on July 19, 1984 inviting him to submit whatever documentation he might have concerning the subject items of personalty. The Commission has received no response from the claimant. Accordingly, the Commission finds that GLEN ALAN WEST has failed to establish his ownership of any personal property which was the subject of a taking by North Vietnamese authorities on or after April 29, 1975, as required for compensation under section 703 of the Act. This portion of the claim must therefore be denied.

As for the claimant's assertion that he is entitled to \$60.00 a month for his imprisonment in Cambodia, Title VII of the International Claims Settlement Act of 1949, as amended, gives the Commission no authority to grant awards on such grounds. Section 701 of the Act clearly states, in pertinent part, that:

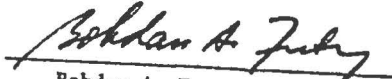
"It is the purpose of this title to provide for the determination of the validity and amounts of outstanding claims against Vietnam which arose out of the nationalization, expropriation, or other taking of...property..." [Emphasis added.]

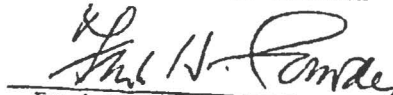
Imprisonment in Cambodia does not fall within the above stated purpose and the Commission has no authority under any other provisions of the Act to find this type of claim compensable.

Thus, the Commission concludes that the claim of GLEN ALAN WEST must be and it hereby is denied in its entirety.

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

MAR 29 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.)