

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

IN THE MATTER OF THE CLAIM OF

CALVIN WALL

Claim No. V-0175

Decision No. V-0376

PROPOSED DECISION

This claim in the amount \$18,479.45 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 Denver, Colorado, on May 21, 1923 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."

The claimant indicates that he lived in Vietnam continuously from 1966 and was an employee of Amco Corporation in Saigon at the time the Communists launched their 1975 spring offensive. On April 29, 1975, the day before the surrender of South Vietnam, the claimant was evacuated from Saigon. He indicates that he was forced to leave all of his personal property behind, including household furnishings, appliances, recreational items, and other goods in his residence on Chilang Street as well as an automobile

and luggage filled with clothing and jewelry at Tan Son Nhut Airport. The record includes a schedule of property prepared by the claimant in 1976 which lists all of the items he left in South Vietnam. Based on this detailed inventory, the Commission finds that the claimant was the owner of the property listed therein.

The record contains no evidence as to what became of the subject property after the claimant's departure from Saigon on April 29, 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 CALVIN WALL 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 information provided by the claimant in his schedule of property. The claimant has given approximate purchase prices for all the items of property, which were acquired variously between 1964 and 1975. The claimant has also given estimated replacement costs for the various items, which add up to some \$18,280.00. The Commission bases its awards, however, on its best estimate of the actual value of the subject property at the time of loss. Taking into consideration the depreciation of most property, the value at the time of loss is generally less than the original purchase price.

With regard to the various items listed in the schedule of property, the Commission notes that the oldest is a 1963 Consul Capri automobile which the claimant assertedly purchased in 1964 for \$2,200.00. The Commission has a National Automobile Dealers Used Car Guide for May 1975 listing values for Capris back to 1971, when they were in the range of \$1,500.-\$1,600. Considering the claimant's automobile was eight years older than that at the time of loss, the Commission feels that \$500.00 is a reasonable estimate of its value in 1975. The claimant has listed assorted articles of clothing which he assertedly purchased over a ten-year span for a total of \$1,490.00. Among these items, only \$575.00 were purchased within two years of the time of loss. The Commission considers a 20% annual depreciation reasonable for these particular articles, which would have reduced their value to \$447.00 in the spring of 1975. The Commission feels that the rest of the articles of clothing, which varied between four and ten years of age in 1975, would not have been worth more than about \$300.00 at the time of loss. Accordingly, the Commission determines that the claimant's articles of clothing had a total value of \$750.00. As for the six pieces of jewelry which the claimant listed in his schedule of property as having been purchased for \$1,800.00, the Commission does not feel that these items would have depreciated over the years and therefore finds that they were worth \$1,800.00 at the time of loss. As for all of the remaining items in the schedule of property, which the claimant assertedly purchased for a total of \$8,930.00, the Commission has depreciated at 5% annually from the year of purchase to 1975, which results in a value for this property of \$7,182.00 at the time of loss.

Adding all of the foregoing amounts together, the Commission determines that CALVIN WALL's property was worth a total of \$10,232.00 at the time of loss in 1975. Accordingly, the Commission determines that the claimant is entitled to an award in the principal amount of \$10,232.00.

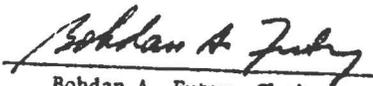
The Commission has concluded that in granting awards on claims under section 703 of Title VII of the Act, for the nationalization, expropriation, or other taking of property, interest shall be allowed at the rate of 6% simple interest per annum from the date of loss to the date of settlement. (See Claim of BETTY JANET MITCHELL, Claim No. V-0358, Decision No. V-0259 (1984).)

A W A R D

Claimant, CALVIN WALL, is therefore entitled to an award in the principal amount of Ten Thousand Two Hundred Thirty-Two Dollars (\$10,232.00), 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.

MAY 20 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.)