

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

IN THE MATTER OF THE CLAIM OF

KENNETH J. GREGERSON

Claim No. V-0212

Decision No. V-0364

Counsel for Claimant:

Robert Wetherhold, Esquire

PROPOSED DECISION

This claim in the amount of \$4,900.00 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 household furniture and furnishings and other personal property in Nha Trang.

Claimant acquired United States nationality by birth in Minnesota on January 28, 1936.

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 property involved in this claim is identified as household furniture and furnishings and other personal property, including home electronic equipment and kitchen appliances, located at claimant's residence in the Hong Chong area of Nha Trang, South Vietnam. Claimant states that the property was

lost after he and his family were evacuated from Nha Trang on March 28, 1975. As supporting evidence, he has submitted a listing of the property giving a description of each item, its cost and year of purchase, and its value at the time of loss.

Based on its examination of the history of events in South Vietnam in March and April 1975, the Commission has held that in the absence of specific evidence, property left there by persons departing in the face of the invading Communist forces shall be presumed to have been nationalized, expropriated or otherwise taking, within the meaning of the present Act, as of May 1, 1975. See Claim of BETTY JANET MITCHELL, Claim No. V-0358, Decision No. V-0259 (1984).

Based on the foregoing, and having reviewed the evidence in the record, the Commission therefore finds that claimant KENNETH J. GREGERSON owned personal property which was nationalized, expropriated or otherwise taken by Vietnam as of May 1, 1975. Accordingly, claimant is entitled to an award for the loss of the property as of that date.

Claimant asserts that the subject property had a value of \$4,900 at the time of loss. As support for this assertion, he has submitted the previously mentioned listing of the property items, which includes both their acquisition costs and estimated depreciated values.

The Commission finds that the sum of \$4,900 claimed as the value of the subject property items at the time of loss is appropriate and reasonable. Accordingly, claimant is entitled to a principal award in that amount, dating from May 1, 1975.

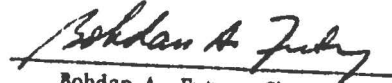
The Commission has concluded that awards granted under Public Law 96-606 for the nationalization or other taking of property, or interests therein, shall include interest at the rate of 6% simple interest per annum from the date of loss to the date of settlement.

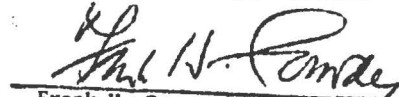
AWARD

Claimant KENNETH J. GREGERSON 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, to 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.)