

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

IN THE MATTER OF THE CLAIM OF

JOHN CHARLES GRAY

Claim No. V-0336

Decision No. V-0256

PROPOSED DECISION

This claim in the amount of \$1,000,000,000.00 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 injuries sustained during the Vietnam War.

Claimant, JOHN CHARLES GRAY, was born in Ames, Iowa, on October 4, 1944 and has been a lifelong citizen of the United States.

Under section 703 of Public Law 96-606, 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..."

JOHN CHARLES GRAY indicates in his statement of claim that his right leg was blown off and that he lost the use of his left leg as a result of an explosion thirty miles outside of Saigon on December 1, 1968, presumably while he was serving in the United States armed forces. The claimant asserts that his bodily injuries constitute a loss of property for which compensation should be granted under the Act.

Section 702 of Public Law 96-606 defines the term "property" as follows:

"(A) any property, right, or interest, including any leasehold interest,

(B) any debt owed by Vietnam or by any enterprise which has been nationalized, expropriated, or otherwise taken by Vietnam, and

(C) any debt which is a charge on property which has been nationalized, expropriated, or otherwise taken by Vietnam;"

Bodily injury such as that sustained by the claimant does not fall within the above categorizations of property. Nor does it constitute a nationalization, expropriation, or other taking by Vietnam as contemplated in sections 702 and 703 of the Act. Furthermore, compensable losses are defined in section 703 as those "arising on or after April 29, 1975," whereas JOHN CHARLES GRAY's injuries were sustained on December 1, 1968.

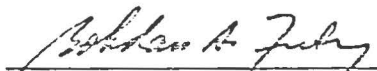
For the foregoing reasons, the Commission finds that the instant claim of JOHN CHARLES GRAY is not compensable under the provisions of Public Law 96-606. Accordingly, the Commission determines that this claim must be and it hereby is denied.

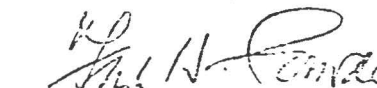
The Commission finds it unnecessary to make determinations with respect to other aspects of this claim.

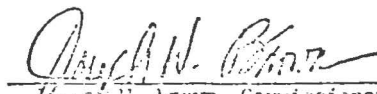
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

NOV 28 1984

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


Bohdan A. Futey, Chairman


Frank H. Conway, Commissioner


Joseph W. Brown, Commissioner

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.)