

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

IN THE MATTER OF THE CLAIM OF

ROBERT PAUL WARD

Claim No. V-0390

Decision No. V-0284

PROPOSED DECISION

This claim in the amount of \$4,933.00 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 Saigon.

The claimant was born in Camden, New Jersey, on June 9, 1947 and has been a lifelong citizen of the United States.

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... ."

ROBERT PAUL WARD was residing in Saigon at the time of the Communist offensive which overran South Vietnam in the spring of 1975. The record includes a copy of a letter which the claimant sent to the U.S. Department of State, dated May 16, 1975, reporting that he had been evacuated from Saigon on April 22, 1975 and that he had been forced to leave behind virtually all of his possessions. The letter included a list of the claimant's property, which consisted of various household furnishings and appliances, clothing, and recreational items. Considering the

time frame of the claimant's letter just after the fall of South Vietnam, and in the absence of any further documentation in the claim file, the Commission finds that ROBERT PAUL WARD was the owner of the personal property claimed for therein.

The record contains no evidence as to what became of the subject property after the claimant's evacuation from Saigon on April 22, 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 ROBERT PAUL WARD 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 list provided by the claimant in his May 16, 1975 letter to the Department of State. According to the claimant, the total amount he paid for the subject property was \$2,193.00, while the 1975 replacement cost for the items would have totalled \$2,245.00. When he submitted his statement of claim to the Commission in 1982, the claimant recalculated the total replacement cost of his items at \$4,933.00. However, the Commission has determined that awards should be based on the value of the subject property at the time of loss. Based on the claimant's list of property to the Department of State and the various purchase prices he asserted therein, the Commission finds that \$2,000.00 is a reasonable estimate of the value of the claimant's property at the time of

loss in 1975. Accordingly, the Commission determines that ROBERT PAUL WARD is entitled to an award in the principal amount of \$2,000.00.

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).)

AWARD

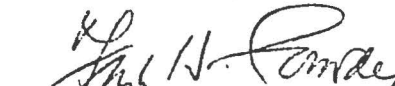
Claimant, ROBERT PAUL WARD, is therefore entitled to an award in the principal amount of Two Thousand Dollars (\$2,000.00), plus interest at the rate of 6% simple interest per annum from May 1, 1975 until the date of settlement.

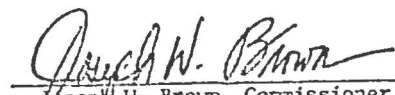
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

MAR 29 1985

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.)