

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

IN THE MATTER OF THE CLAIM OF

KIM-CHAU THI PHAM

Claim No. V-0493

Decision No. V-0254

PROPOSED DECISION

This claim in the amount of \$180,000.00 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 the loss of improved real property and personal property in Vietnam.

The record indicates that claimant acquired United States nationality on October 24, 1980.

Section 704 of Title VII of the Act limits the Commission's jurisdiction as follows:

"A claim may be favorably considered under section 703 of this Act only if the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss and only to the extent that the claim has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

The record in this claim indicates that the claimant was the owner of the property on which this claim is based and that the property was taken in March of 1981. If this is correct, the Commission would not have authority to grant an award for such loss for the reason that the property was taken after December 28, 1980, the date of the enactment of Title VII of the Act. The Commission has repeatedly held in its past programs, and has affirmed in the current Vietnam Claims Program (see Claim of Anh Ngoc La, Claim No. V-0048, Decision No. V-0003), that

property must have been nationalized or otherwise taken on or before enactment of the statute authorizing the claims program in order for a claim to be compensable.

By letter dated October 29, 1982, claimant was advised that the Commission's authority was limited to granting awards for losses which occurred on or before December 28, 1980 and when the property interests involved were owned by a United States national. Claimant was further advised to submit, within 60 days from the date of the letter, any evidence or information to establish a compensable loss. To date, no evidence, information or response has been received.

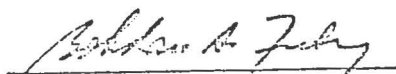
Based upon the foregoing, the Commission finds that the loss of property on which this claim is based occurred after December 28, 1980, the date of the enactment of Title VII of the International Claims Settlement Act of 1949, as amended, and therefore this claim must be and it is hereby denied.

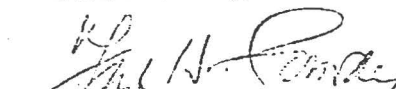
The Commission finds it unnecessary to make determinations with respect to other aspects of this claim.

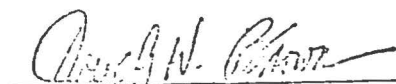
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

NOV 28 1984

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


Bolsten A. Fuley, 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.)