

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

IN THE MATTER OF THE CLAIM OF

TRAVIS CAMERON BUNN

Claim No. V-0512

Decision No. V-0394

PROPOSED DECISION

This claim in the amount of \$5,000.00 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 personal property in Saigon.

The claimant was born in the State of North Carolina on June 14, 1946 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 record indicates that the claimant was an employee of the Federal Electric Corporation in Saigon at the time the Communists launched their 1975 spring offensive in South Vietnam. The claimant was evacuated from Saigon in April 1975, shortly before the surrender of South Vietnam, and was forced to leave behind various household effects in his residence at No. 407/6 Truong Minh Giang, as well as a 1965 Austin automobile. Although the claimant has advised the Commission that he has no further

documentation pertaining to the foregoing property, the Commission concludes, based on the entire record, that the claimant was the owner of the subject household effects and automobile.

The record contains no evidence as to what became of the subject property after the claimant's departure from Saigon in April 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 TRAVIS CAMERON BUNN 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.

The record contains only sketchy evidence of the value of the subject property. The claimant has asserted that his household effects were worth a total of \$4,500.00, but has not provided a detailed inventory. The claimant states that the Austin automobile, purchased in January 1974, was worth \$650.00. The claimant has advised the Commission that he received partial compensation for his property losses from his former employer in the approximate amount \$550.00, which amount must be taken into consideration by the Commission, under section 706 of Public Law 96-606, in calculating an award. Based on the entire record in this claim, the Commission determines that TRAVIS CAMERON BUNN is entitled to an award in the principal amount \$4,000.00 for the loss of personal property in Saigon.

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).)

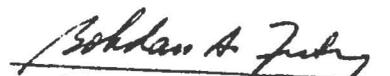
The claimant also asserts the loss of \$20.00 worth of the premium paid for a six-month auto insurance policy, which he assertedly purchased from American International Underwriters Vietnam, in Saigon, for \$45.00 in January 1975. The claimant has not explained how this loss represents a claim against Vietnam since the insurance company, an American corporation, had the claimant's premium payment and could presumably have been petitioned for a refund directly by the claimant. The claim file contains no documentary evidence with regard to the insurance policy and, absent any further information from the claimant, the Commission finds that the record does not establish the compensability of this portion of the claim under Public Law 96-606.

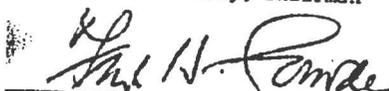
AWARD

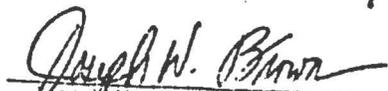
Claimant, TRAVIS CAMERON BUNN, is therefore entitled to an award in the principal amount of Four Thousand Dollars (\$4,000.00), plus interest at the rate of 6% simple interest per annum from May 1, 1975 until the date of settlement.

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

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.)