

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

IN THE MATTER OF THE CLAIM OF

MARCENE W. LOOMIS, AS  
EXECUTRIX OF THE ESTATE OF  
ROBERT K. LOOMIS

Claim No. V-0443

Decision No. V-0301

PROPOSED DECISION

This claim in an unstated amount 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.

ROBERT K. LOOMIS was born in New York City on April 8, 1920 and was a lifelong citizen of the United States. His wife, MARCENE W. LOOMIS, was born in the State of Oklahoma on March 7, 1923 and has also been a lifelong United States citizen. ROBERT K. LOOMIS died on March 2, 1981 and MARCENE W. LOOMIS is the executrix of his last will and testament and sole beneficiary of his estate.

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 establishes that ROBERT K. LOOMIS was an employee of Computer Sciences Corporation in Saigon at the time the Communists launched their spring offensive in South Vietnam in March 1975. In the latter half of April 1975, as the defeat of South Vietnam loomed, ROBERT K. LOOMIS entrusted most of his personal property to Bekins Wide World Moving Company for shipment to the United States. Mr. LOOMIS was ultimately evacuated from Saigon with only a suitcase in hand. As subsequent correspondence with Bekins in September and October 1975 shows, however, the rest of the claimant's personal property was unable to be transported from Vietnam.

The record contains no evidence as to what became of the personal property of ROBERT K. LOOMIS after his 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.

The record includes a copy of an inventory prepared by ROBERT K. LOOMIS in 1976 of the property he left in Saigon. In this inventory ROBERT K. LOOMIS listed many articles of clothing, as well as some art objects, books, and other items of personalty with a total asserted value of \$788.00 at the time of loss. The inventory was submitted to Computer Sciences Corporation, which then reimbursed ROBERT K. LOOMIS in the amount of \$788.00. The record includes a copy of an "Assignment of Rights to Personal

Property," dated April 5, 1977 and signed by ROBERT K. LOOMIS, whereby he assigned all right, title, and interest in the personal property he lost in Saigon, as well any claim arising therefrom, to Computer Sciences Corporation.

Under 706 of Title of VII of the International Claims Settlement Act of 1949, as amended, the Commission is directed as follows:

"In determining the amount of any claim under this title, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses for which the claim is filed."

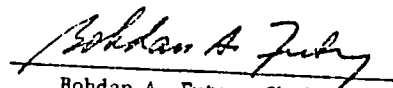
The record indicates that ROBERT K. LOOMIS received compensation from Computer Sciences Corporation in the amount of \$788.00 for the loss of his personal property in Vietnam. Since he asserted in the inventory he submitted to the company that his property was worth exactly that amount, the Commission finds that ROBERT K. LOOMIS was compensated for the full value of his property. In accordance with section 706 of the Act, therefore, the Commission concludes that MARCENE W. LOOMIS, as successor in interest to ROBERT K. LOOMIS, is not entitled to an award in this program for the subject property.

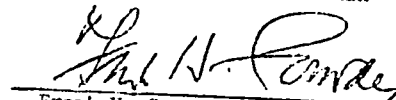
Accordingly, the Commission determines that the instant claim must be and it hereby is denied.

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

APR 22 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.)