

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

LOUIS OTTO PFEFFEL and
YOLANDA PFEFFEL
3138 Bishop Street
Cincinnati 20, Ohio

Claim No. RUM-30,606

Decision No. RUM-456

Against the Government of Rumania
Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimants:

Gatch, Kleinmann, Roberts and Kuhn
Union Central Building
Cincinnati 2, Ohio

FINAL DECISION

This is a claim against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended, based upon certain real and personal property stated to have been confiscated.

In a Proposed Decision issued on July 2, 1958 the claim was denied. Objections were filed by YOLANDA PFEFFEL with testimony taken and argument presented at a hearing held on January 9, 1959.

Upon a further review of the record, it is

ORDERED that the findings set forth therein be restated as follows:

The Commission finds that YOLANDA PFEFFEL owned a one-half interest in real property known as 5 Onitiu Street, Timisoara, Rumania, recorded under No. 4323, a one-half interest in real property known as 38 Doja Street, Timisoara, Rumania, recorded under No. 878 and a one-quarter interest in other real property at Timisoara, Rumania recorded under No. 76, and that all three pieces of real property were taken without compensation by the Government of Rumania in 1948.

The Commission further finds that the value of YOLANDA PFEFFEL'S interests in the real property thus taken was Nine Thousand Dollars (\$9,000.00) and concludes that YOLANDA PFEFFEL is entitled to an award

H14 R9 B5

under Section 303(2) of the Act.

The portion of the claim of YOLANDA PFEFFEL based upon personal property is denied for the reason that it has not been established that any personal property belonging to YOLANDA PFEFFEL in Rumania was nationalized, compulsorily liquidated, or otherwise taken prior to August 9, 1955.

The denial of the claim of LOUIS OTTO PFEFFEL as proposed in the decision of July 2, 1958, is hereby entered as the Final Decision on his claim.

The Commission deems it unnecessary to make determinations with respect to other elements of the portions of the claim denied herein.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed in part and an award is hereby made to YOLANDA PFEFFEL in the amount of Nine Thousand Dollars (\$9,000.00) plus interest thereon at the rate of 6% per annum from July 9, 1948 to August 9, 1955, the effective date of the Act, in the amount of Three Thousand Eight Hundred Twenty-five Dollars (\$3,825.00).

Payment of any part of this award shall not be construed to have divested YOLANDA PFEFFEL, claimant herein, or the Government of the United States, on her behalf, of any rights against the Government of Rumania, for the unpaid balance of the claim, if any.

It is further

ORDERED that the award granted herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

JAN 26 1959

Whitney Hilliland

Paul Pace

Robert L. Kunyig

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Claim No. RUM-30,606

Decision No. RUM- 456

Under the International Claims Settlement
Act of 1949, as amended

gpo 16-72126-1

PROPOSED DECISION

This is a claim for \$52,000 against the Government of Rumania under Section 303(2) of the International Claims Settlement Act of 1949, as amended, by LOUIS OTTO PFEFFEL and YOLANDA PFEFFEL based upon certain real and personal property stated to have been confiscated after October 15, 1946.

The record shows that Louis Otto Pfeffel and Yolanda Pfeffel acquired nationality of the United States by naturalization in the United States on September 25, 1922 and April 30, 1923, respectively; that Louis Otto Pfeffel's Certificate of Naturalization was cancelled by virtue of a proceeding before a Federal Court under date of May 13, 1949; and that Louis Otto Pfeffel acquired citizenship of the United States by naturalization in the United States on March 29, 1954.

Section 303(2) of the Act provides for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Rumania, among others, arising out of the failure of such government to pay effective compensation for the nationalization, compul-

4/21

B5 R9

sory liquidation, or other taking, prior to August 9, 1955, of the property in Rumania of nationals of the United States.

Under well established principles of international law, unless otherwise provided by treaty, in order for a claim espoused by the United States to be compensable, the property upon which it is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which arose from such loss must have been owned by a United States national or nationals continuously thereafter.


The Commission finds that it has not been established that any property belonging to the claimants was the subject of any acts or failures to act for which the Government of Rumania is responsible under Section 303(2) of the Act. Insofar as the claim of Louis Otto Pfeffel is concerned, the Commission further finds that it has not been established that the claim was owned by a national of the United States at the time it allegedly arose and continuously thereafter.

For the foregoing reasons, this claim is denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

JUL 2- 1958

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

