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

IN THE MATTER OF THE CLAIM OF

LUDWIG R. THIEL

Claim No. PO-8169

Decision No. PO-3786

Under the Polish Claims Agreement of 1960 and the International Claims Settlement Act of 1949, as amended

FINAL DECISION

The Commission issued its Proposed Decision in this claim on June 30, 1964. No objections to the Proposed Decision have been filed and the 60-day posting time has since expired. A re-examination of the Proposed Decision reveals that the text on page 4, lines 1 through 3, contains an erroneous citation and that the correct citation should read as follows:

"(See Claim of George Evanoff, No. BUL-1005; Claim of Jozsef Chobady, No. HUNG-20187; Claim of Ilis Muresan, No. RUM-30211; and Claim of William Patt, Claim No. PO-2234.)"

Consequently, it is

ORDERED that the Proposed Decision No. PO-3786 be amended in accordance with the foregoing and as amended entered as the Final Decision in this claim; and it is further

ORDERED that the award granted in the Proposed Decision be certified to the Secretary of the Treasury.

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

SEP 17 1964

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

Clerk of the Commission

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PROPOSED DECISION

This claim for $2,987.75 is based upon a pension which was assertedly due to claimant's father from a former Polish business enterprise. Claimant LUDWIG R. THIEL has been a citizen of the United States since his naturalization on December 19, 1930.

Under Section 4 (a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 13 (1950), 22 U.S.C. § 1623 (a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960 (Agreement with the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, July 16, 1960, 11 U.S.T. & O.I.A. 1953, T.I.A.S. No. 4545 (1960)). That Agreement provides as follows:

> Claims to which reference is made in Article 1 and which are settled and discharged by this Agreement are claims of nationals of the United States for
>
> (a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property;
>
> (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property . . . ; and

(c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland. (Polish Claims Agreement of 1960, supra, Article 2)

The Agreement further defines "claims of nationals of the United States" as including

> rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of such nationalization, appropriation or other taking to . . . [July 16, 1960], have been continuously owned . . . (a) directly by natural persons who were nationals of the United States . . . (Polish Claims Agreement of 1960, supra, at Annex, Paragraph A. See also 14 FCSC Semiann. Rep. 186 (January - June 1961))

The claimant states that prior to World War II his father, Fred Carl Thiel, a citizen of the United States since June 25, 1929, regularly collected retirement benefits from his former employer, Vereinigte Koenigs-und-Laura Huette, Koenigshuette, Upper Silesia (Gornoslaskie Zjednoczone Huty, Krolewska i Laura, Spolka Akcyjna Gorniczo-Hutniczka), a mining and smelting enterprise (hereinafter referred to as the "Company") operating in the area of Katowice and vicinity. The benefits amounted to $18.85 a month and were sent monthly from Poland to the United States until September 1, 1939 when the war broke out. After the war, claimant's father made inquiries in Poland with respect to his accrued and unpaid retirement benefits, and was advised that the Company was nationalized but that the Government of Poland was ready to resume the benefit payments. On April 15, 1948, the Institute for Social Insurance of Poland advised claimant's father that an amount of 26,100 zlotys had been credited to his account for the period from January 1, 1947 to April 30, 1948; that in the future benefits will be credited as they become due; but that due to currency restrictions imposed by the Government of Poland the transfers of such credits could not be effected until further notice.

The record discloses that Fred Carl Thiel died testate on November 17, 1952 having devised and bequeathed all of his property of whatsoever kind and nature to his son, Ludwig R. Thiel, the claimant herein.

The Commission finds, on the basis of the record, that the Company was nationalized pursuant to a notice published in the Monitor Polski on June 21, 1947 (Mon. P. 1947, No. 88, items 20/21) and that the retirement benefits which accrued to Fred Carl Thiel from September 1, 1939 to December 31, 1946, in the aggregate amount of $1,658.80, constituted a debt of a nationalized enterprise and thus subject to the provisions of Article 2 (c) of the Agreement, supra. Accordingly, the Commission concludes that claimant is entitled to an award under the Agreement in the principal amount of $1,658.80.

The Commission has decided that in granting awards on claims under the Polish Claims Agreement of 1960, interest shall be allowed at the rate of 6% per annum from the date of loss to July 16, 1960, the effective date of the Agreement. (See the Claim of John Hedio Proach, Claim No. PO-3197.) Accordingly, the amount of the award will be increased to that extent.

The Commission further finds that the claim for retirement benefits from January 1, 1947 was recognized by an agency of the Polish Government as a direct obligation of that Government. Debts owed directly by the Government of Poland are not compensable under the Agreement. The unavailability of the monthly benefits to Fred Carl Thiel after January 1, 1947 by reason of the prohibition of transfer of funds due to currency regulations did not constitute a nationalization or taking of property within the terms of the Polish

Claims Agreement of 1960. (See Claim of George Evanoff, No. BUL-1005; Claim of Jozsef Chobady, No. HUNG-20187; Claim of Ilie Muresan, No. RUM-30211; and Claim of Ewald Roczen et al., No. PO-2212). Accordingly, the claim for retirement benefits which accrued after January 1, 1947 is denied.

A W A R D

An award is hereby made to LUDWIG R. THIEL in the principal amount of One Thousand Six Hundred Fifty-eight Dollars and Eighty Cents ($1,658.80), with interest thereon at the rate of 6% per annum from June 21, 1947, the date of nationalization of the company, to July 16, 1960, the date of the Polish Claims Agreement, in the sum of One Thousand Three Hundred Dollars and Seventy-eight Cents ($1,300.78).

Dated at Washington, D. C.
and entered as the Proposed
Decision of the Commission
JUN 30 1964

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections to this Proposed Decision are filed within 20 days of service thereof, the decision will, upon the expiration of 60 days after such service or receipt of notice, be entered as the Final Decision of the Commission unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. § 531.5 (e) and (g) (1961)).