

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

IN THE MATTER OF THE CLAIM OF

ROSA TEITELBAUM
117-01 Park Lane South
Building A
Kew Gardens 18, New York

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

Claim No. RUM-30,367

Decision No. RUM-641

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on **December 22, 1958**, a copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on the claim, and it is further

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

Dated at Washington, D. C.

FEB 16 1959

Whitney Hilliland

Pearl Pace

Robert L. Kunzig

COMMISSIONERS

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PROPOSED DECISION

This is a claim against the Government of Rumania under Section 303(1) of the International Claims Settlement Act of 1949, as amended, for \$11,005 by ROSA TEITELBAUM, a national of the United States since her birth in the United States on October 26, 1905, for loss of personal property during World War II and for personal injuries. Additionally, claimant alleges that she suffered personal injuries

The Commission finds that the claimant owned certain personalty in Radauti, Rumania, which was lost as a result of World War II. The Commission also finds that the loss actually sustained by claimant with respect to the property in Radauti amounted to Four Thousand Three Hundred Thirty Dollars (\$4,330.00) and concludes that claimant is entitled to an award under Section 303(1) of the Act in the amount of Two Thousand Eight Hundred Eighty-Six Dollars and Sixty-Seven Cents (\$2,836.67), since under this Section awards are limited to two-thirds of the loss or damage actually sustained.

Section 303 of the Act provides that the Commission shall receive and determine the validity and amounts of three types of claims of nationals of the United States against the Government of Rumania; namely, Act of 1949, as amended, this claim is allowed in part and an award is

(1) claims for damage to or loss of property in Rumania for which provision was made in Articles 24 and 25 of the Treaty of Peace with Rumania; (2) claims for the nationalization or other taking of property in Rumania, and (3) claims for the failure to meet contractual obligations.

The Commission has consistently held that in order for a claim against Rumania for loss during World War II to be compensable under Section 303(1) of the Act, it is a requirement that the loss have occurred within the boundaries of Rumania as they existed on September 15, 1947, the effective date of the Treaty of Peace with Rumania.

FOR THE COMMISSION:

Accordingly, so much of the instant claim as is based on losses sustained by claimant while crossing the Dneister river during World War II must be and is hereby denied for the reason that such loss occurred in an area which is not within the boundary of Rumania as it existed on September 15, 1947.

Additionally, claimant alleges that she suffered personal injuries by reason of "forceful evacuation" and asks \$1,000.00 for medical expenses incurred as a result of such injuries. The Commission finds, however, that this portion of the claim does not fall within the purview of the Act since it does not involve a property loss as contemplated by Articles 24 and 25 of the Treaty of Peace with Rumania; nor does it constitute a claim for the nationalization or other taking of property; and the circumstances of such portion of this claim do not give rise to a claim for the failure to meet its contractual obligations. Accordingly, the portion of the claim which is based on personal injuries is hereby denied.

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 ROSA TEITELBAUM in the amount of Two Thousand Eight Hundred Eighty-Six Dollars and Sixty-Seven Cents (\$2,886.67).

Payment of any part of this award shall not be construed to have divested the 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.

Dated at Washington, D. C.

DEC 22 1958

FOR THE COMMISSION:

Donald G. Benn

Donald G. Benn, Director
Balkan Claims Division