

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

IN THE MATTER OF THE CLAIM OF

KURT W. FLEISCHER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. G-0047

Decision No. G-0690

PROPOSED DECISION

This claim in the asserted amount of \$36,000.00 against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended, is based upon the loss of an interest in a furniture factory known as C. Fleischer & Son located in Eilenburg, in the German Democratic Republic.

Claimant, KURT W. FLEISCHER, became a United States citizen on March 28, 1929.

Under section 602, Title VI of the International Claims Settlement Act of 1939, as amended by Public Law 94-542 (90 Stat. 2509), the Commission is given jurisdiction as follows:

"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 the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin . . ."

Based upon all the evidence of record including a report by the Commission's field office in West Germany, the Commission finds that claimant's mother, Anna Fleischer, owned a 26.98 percent interest in the furniture factory claimed until her death on April 25, 1945. The Commission further finds, based upon the evidence of record, that claimant, KURT W. FLEISCHER, succeeded to a one-fifth share in his mother's interest upon her death, and that the factory was expropriated on or about July 20, 1948.

At the time of filing claimant stated that the value of his interest in the furniture factory on the date of loss was 90,000 Reichmarks or \$36,000.00. The basis for this value was an estimate of the assets of the estate of the late Anna Fleischer made by claimant's brother at the end of World War II. However, the evidence of record indicates that the tax assessed value of the factory's working captial in 1944 amounted to 1,305,070 Reichmarks. Based upon this tax assessment, increased to the fair market value of the property at the time of loss, the Commission finds that the value of claimant's 5.396 percent interest in the subject property was 84,000 Deutschmarks.

In determining the amount of an award the Commission has held that the ratio of 4.2 Deutschmarks equal to one dollar will be used. (See The Claim of Olga Loeffler, Claim No. G-0056, Decision No. G-0021.)

Based upon the foregoing, the Commission concludes that claimant, KURT W. FLEISCHER, is entitled to \$20,000 for the loss of his interest in the subject property under section 602 of the Act, supra.


The Commission has concluded that in granting awards on claims under section 602 of Title VI of the Act for the nationalization or other taking of property or interest therein, interest shall be allowed at the rate of 6% per annum from the date of loss to the date of settlement. (See Claim of George L. Rosenblatt, Claim No. G-0030, Decision No. G-0100 (1978)).

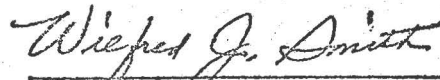
A W A R D

Claimant, KURT W. FLEISCHER, is therefore entitled to an award in the amount of Twenty Thousand Dollars (\$20,000.00) plus interest at the rate of 6% simple interest per annum from July 20, 1948, until the date of the conclusion of an agreement for payment of such claims by the German Democratic Republic.

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

APR 18 1979

  
Richard W. Yarborough, Chairman

  
Wilfred J. Smith, Commissioner

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on MAY 23 1979

  
Executive Director

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.)