

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

IN THE MATTER OF THE CLAIM OF

SARA LEA LOEWY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-1265

Decision No. G-1123

PROPOSED DECISION

This claim in an unstated amount against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of bonds before World War II in Germany.

The record indicates that claimant became a United States citizen on January 4, 1945.

Under section 602, Title VI of the Act 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. . . ."

The evidence of record indicates that claimant owned several bonds which she was forced to sell in 1938 and 1939. The proceeds from the sale of these bonds were placed in a blocked "Jewish account."

The original loss of property occurred, according to the claimant, in 1938 and 1939. Therefore, any claim based upon a loss of such property in 1938 and 1939 may not be favorably considered by the Commission, if for no other reason than that the property was not owned by a United States citizen at that time.

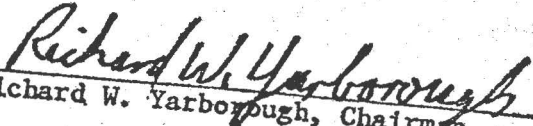
By letters dated December 6, 1978 and July 3, 1979, claimant was advised that the Commission's authority under Public Law 94-542 is limited to consideration of the nationalization, confiscation or other taking by the German Democratic Republic of property owned by United States nationals. Claimant was advised to obtain and submit evidence to establish that the proceeds from the sale of the bonds were subject to action by the Government of the German Democratic Republic after World War II. Although claimant submitted evidence establishing that her property had been subject to the laws of the Nazi government, she was not able to submit evidence establishing a nationalization, confiscation or other taking by the German Democratic Republic after the close of World War II.

Therefore, based upon the foregoing, the Commission finds that the claimant has failed to establish that property was nationalized or otherwise taken by the German Democratic Republic at a time when it was owned by a United States citizen, as required for a claim to be found compensable under the Act.

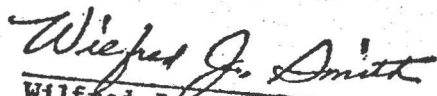
For the above cited reasons, the claim must be and hereby is denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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


Richard W. Yarborough, Chairman

AUG 8 1979


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 SEP 12 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).

At any time after Final Decision has been issued on a claim, or a Proposed Decision has become the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with this program, a petition to reopen on the ground of newly discovered evidence may be filed. (FCSC Reg., 45 C.F.R. 531.5 (1), as amended).