

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

IN THE MATTER OF THE CLAIM OF

ERIKA E. SCHLICKE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-1786

Decision No. G-2267

PROPOSED DECISION

This claim in the amount of 166,292.77 Deutsche Marks 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 an apartment building and furnishings in Dresden, as well as four bank accounts.

The record indicates that claimant became a United States citizen on December 20, 1957.

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. . ."

Section 603 of Title VI of the Act limits the Commission's jurisdiction as follows:

"A claim shall not be favorably considered under section 602 of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss, and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

The record establishes that claimant's mother, Selma Becker, owned an apartment building at Hofmannstrasse 21 in Dresden until her death on June 12, 1959. Selma Becker, who was a citizen of the German Democratic Republic, was succeeded in equal 1/2 interests by her two daughters, claimant ERIKA E. SCHLICKE and Elfrieda Koester, who is a citizen of West Germany. By contract prepared in West Germany and dated September 3, 1971, Elfrieda Koester agreed to transfer her 1/2 interest in the apartment building to the claimant in exchange for the sole right to various mortgages in the estate of Selma Becker. Claimant states that a private administrator was appointed to manage the apartment building at about the time of her mother's death in 1959. A report from the Commission's field office in West Germany indicates that the administrative duties were assumed by the VEB Communal Housing Administration upon the death of the original administrator. Although the Communal Housing Administration is a government agency, the record does not indicate that it has taken the subject apartment building within the meaning of section 602 of the Act. Rather, the claimant continues to receive statements of account from the Industrie- und Handelsbank indicating that rental income is being paid into account #5161-45-5628. There is no evidence to indicate that claimant has been denied all access to this account.

Accordingly, the Commission finds that claimant has failed to establish that the apartment building at Hofmannstrasse 21 in Dresden has been the subject of a taking by the German Democratic Republic as required under section 602 of the Act. Similarly, the record does not establish claimant's ownership interest in any furnishings that have been taken by the German Democratic Republic. Therefore, the part of the claim based upon the apartment building and furnishings must be denied.

Claimant also asserts the loss of two bank accounts registered in her own name at the Landstaendische Bank in Bautzen and at the Sparkasse der Stadt Dresden, as well as two bank accounts at the Sparkasse der Stadt Dresden in the names of her children, Lutz Schlicke and Astrid Schlicke. The record establishes that the claimant's two accounts had balances of 8,700.63 reichsmarks and 2,601.47 reichsmarks, respectively, at the end of World War II. The record also indicates that the account of Lutz Schlicke had a balance of 1,731.28 reichsmarks and that the account of Astrid Schlicke had a balance of 2,459.39 reichsmarks in 1945. Claimant has submitted no evidence that her two accounts were taken by the German Democratic Republic on or after December 20, 1957, the date she became a United States citizen. Nor is the Commission aware of any decrees or regulations of the German Democratic Republic from which the Commission could presume that these accounts were taken on or after December 20, 1957. No evidence has been submitted to establish if and when Lutz and Astrid Schlicke became United States citizens or that their bank accounts were taken by the German Democratic Republic after such time as they might have acquired United States citizenship.

Therefore, the Commission finds that the record is insufficient to establish that any of the subject bank accounts were taken by the German Democratic Republic at a time when they were owned by United States citizens, as required for compensation under section 603 of the Act. The part of this claim based upon the loss of these accounts must therefore be denied.

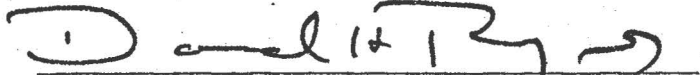
For the above cited reasons, the entire claim must be and hereby is denied.

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.

MAY 28 1980

For Presentation to the Commission



by David H. Rogers, Director
German Democratic Republic Claims
Division

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on JUL 23 1980



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, a Final Decision based upon the Proposed Decision will be issued upon approval by the Commission any time after the expiration of the 30 day period following such service or receipt of notice. (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.)