

## CLAIM OF TAMEHIKO GEORGE CHIHARA

[No. 146-35-3082. Decided July 5, 1951]

## FINDINGS OF FACT

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5. Claimant spent \$54 for railway fare when he voluntarily left Los Angeles for Pueblo, Colorado, on March 28, 1942.

6. Claimant spent \$25 for freight in shipping certain household effects to Pueblo, Colorado, at the same time. The property so shipped was worth more than \$25 since it covered "3 or 4 trunks, a sewing machine, kitchen cabinet and baby buggy" (Affidavit, p. 6).

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## REASONS FOR DECISION

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On the facts found in paragraph 5, the amount spent for railway fare from Los Angeles to Pueblo, Colorado, does not constitute a "loss" within the meaning of the Act. *Mary Sogawa, ante*, p. 126.

On the facts found in paragraph 6, on the other hand, the \$25 spent for shipping certain of claimant's household goods to Pueblo, Colorado, is allowable since his act was reasonable and the shipping of his property was a means of preserving it against loss. As was said in *Frank Kiyoshi Oshima, ante*, p. 24, an expenditure for storage "partakes itself of the nature of a loss incurred to prevent a greater loss." Claimant here chose to ship certain property to his new home rather than to store it and the cost of shipment is allowable on analogous grounds. It is immaterial that in so removing his property claimant's motive may have been his personal convenience in the later

use of the property, as well as its preservation; human motives are seldom unmixed. The amount of freight claimed was less than the value of the property and therefore, within the limitation of *Oshima's* case.

#### REASONS FOR DENIAL

It has been found as a fact that the claimant's wife registered to Japan at Government expense in December of 1945. Section 2 (b) (1) of the Act has consideration of claims by persons who after December 7, 1941, were "voluntarily or involuntarily deported from the United States." In the claim of Kunichika Takahashi, it is stated that the phrase "voluntarily or involuntarily deported" included "individuals transported or removed from the United States by the Government of their own choice, voluntarily or through compulsion, invasion, or otherwise." Clearly, the claimant's wife by requesting that she be sent to Japan at Government expense, placed herself squarely within the purview of the above definition of that class of persons who were "voluntarily deported" and she is therefore ineligible to claim under the Act. Moreover, it is by virtue of the aforementioned Takahashi case, which the claimant's husband having paid his own passage to Japan in August 1950, is an eligible