

## CLAIM OF HENRY SUNAO UYEDA

[No. 146-35-1042. Decided May 11, 1950]

## FINDINGS OF FACT

This claim in the amount of \$1,033.50 was received by the Attorney General on March 4, 1949. The property involved in this claim was equipment for a cleaning and pressing shop, household furniture and appliances, and a Chevrolet sedan. Claimant was born in Japan on July 27, 1897, of Japanese parents. At no time since December 7, 1941, has claimant gone to Japan. On December 7, 1941, and for some time before, the claimant actually resided at 6102 South Main Street, Los Angeles, California, and was living at 5123 South San Pedro Street, Los Angeles, California, when he was evacuated on April 30, 1942, under military orders pursuant to Executive Order No. 9066, dated February 19, 1942, and was sent to the Santa Anita Assembly Center in California and later to the Amache Relocation Center in Colorado. Claimant was the operator of a cleaning and pressing shop. Claimant was married in 1942, when evacuated.

Because of his impending evacuation, the claimant sold all the property involved in this claim, except the Chevrolet sedan, for \$250. He sold this property for less than its worth at that time. He took the car with him to Santa Anita, but finding on arrival that he would not be allowed to keep it with him there, he sold it for \$250. In April and May 1942 there prevailed a condition wherein a free market was not available on which the claimant could have disposed of his personal property at a reasonable valuation, and the claimant acted reasonably in selling all his property under the circumstances. He received \$500 from the sale of his property and its value

at the time of sale was \$1,006.46, which leaves a loss of \$506.46. None of claimant's losses have been compensated for by insurance or otherwise.

#### REASONS FOR DECISION

The evidence of claimant's loss consists of his sworn statements and those statements have been corroborated in part by investigation. The property involved in this claim reasonably would have been owned by one in the claimant's station in life. Based on the evidence available, the valuation of the property as of the time of loss in the amount of \$1,006.46 is reasonable. In the Treasury return of property, TFR-300, Series J, filed by claimant at San Francisco on May 7, 1942, the claimant gave the value of assets of his cleaning establishment as \$560; and as this return was in the circumstances in the nature of a declaration against interest, his statement therein may be taken at its face value as corroborative of his testimony. Claimant suffered a loss in the amount of \$506.46 and is entitled to receive that sum under the above-mentioned Act as compensation for loss of personal property as a reasonable and natural consequence of his evacuation. Such a loss on sale is in the circumstances allowable. *Toshi Shimomaye, ante.*, p. 1. Claimant was married in 1942, and his wife, Mineyo Uyeda, then claimed an interest as a member of the marital community, as shown in the TFR return. She has filed no claim for her interest, however. In these circumstances, claimant may as the husband under California law file on her behalf, since he has "the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate," with exceptions not here pertinent. *Deering's Civil Code of California* (1949), § 172. This claim includes, therefore, all interest of the marital community in the subject property.