

CLAIM OF FRANK SANETO

[No. 146-35-229. Decided April 25, 1951]

FINDINGS OF FACT

This claim, alleging a loss in the sum of \$15,000, was received by the Attorney General on January 11, 1949. The claimant was the owner and operator of a farm on which he bred and raised frogs commercially and his claim concerns the loss of his stock of frogs. Claimant was born in California of Japanese parents on February 15, 1923, and at no time since December 7, 1941, has he gone to Japan. On the aforementioned date, and for some time prior thereto, the claimant resided at 8621 San Fernando Road, Roscoe, California, from which address he was evacuated on April 28, 1942, pursuant to military orders issued under authority of Executive Order No. 9066, dated February 19, 1942.

At the time of his evacuation, he entrusted his frog farm to a qualified frog breeder of some years' experience. The farm was thereafter apparently properly managed for a period of approximately 2 years. In April 1944, an unusual windstorm arose which blew down the fences surrounding the farm resulting in the escape of his complete stock of frogs. None of the frogs were ever recovered and any attempt to round up the several thousands of escaped frogs would have been fruitless. The loss herein was in no way due to any negligence or malfeasance on the part of the caretaker. Claimant's loss has not been compensated for by insurance or otherwise.

REASONS FOR DECISION

No allowance can be made under the Evacuation Claims Act on account of the loss of claimant's stock of frogs.

A loss reimbursable under the Act is required to be "a reasonable and natural consequence" of claimant's evacuation. *Seiji Bando, ante*, p. 68. Upon the facts presented by the claimant, it is apparent that the loss did not result from the claimant's evacuation but was due solely to the occurrence of a windstorm of unusual severity which blew down the fences and permitted the frogs to escape. Moreover, had the claimant been present at the time, there was little he could have done, if anything, to prevent the loss. Therefore, inasmuch as the claimant's loss was caused by an act of Nature and not incurred as a result of his evacuation, the claim cannot be favorably considered and must be dismissed.