

## CLAIM OF HATSU ISHIGE

[No. 146-35-3945. Decided October 5, 1950]

## FINDINGS OF FACT

This claim, in the amount of \$673, was received by the Attorney General on May 20, 1949, and involves loss from the forced sale of household furniture and furnishings. Claimant was born in Japan on July 30, 1887, of Japanese parents. At no time since December 7, 1941, has claimant gone to Japan. On December 7, 1941, and for some time prior thereto, claimant actually resided at 1800 Laguna Street, San Francisco, California, and was living at that address when evacuated on May 1, 1942, under military orders pursuant to Executive Order No. 9066, to the Tanforan Assembly Center in California, and from there to the Central Utah Relocation Center in Utah. At the time claimant was evacuated she was unable to take the above-mentioned personal property with her to the assembly center, and a few days before her evacuation she sold all of the property involved for the highest and best prices she could obtain. Claimant was not aware at the time that the Government offered certain storage facilities and she could not afford to pay a private storage company to store her property for an indefinite period; moreover, she needed ready cash for her evacuation. Under the circumstances, therefore, claimant was justified in selling her property, something she would not have done but for her evacuation. At that time there prevailed a condition wherein there was not a free market in which claimant could have disposed of her property at its fair value, namely, \$397.09, and claimant realized only \$63.50 from its sale. Her resultant loss, therefore, was \$333.59. The loss has not been compensated for by insurance or

otherwise. Claimant was a widow and sole owner of the property involved at the time of its sale.

#### REASONS FOR DECISION

Claimant's evidence of loss consists entirely of her sworn statements. The investigation has revealed nothing contradictory of this material. Rather, it has developed documentary evidence bearing impressive testimony as to claimant's honesty and truthfulness. Claimant's evidence accordingly merits affirmative acceptance and probative recognition. A valuation of the subject property as of the time of loss in the amount of \$397.09 is reasonable. Of this amount, claimant received \$63.50 as proceeds from its sale, leaving an uncompensated balance of \$333.59. Since claimant had no free market and acted reasonably in selling in the circumstances, the loss is allowable. *Toshi Shimomaye, ante*, p. 1. Save for one of the items, received by claimant as a gift in 1940, the property involved was originally community estate of claimant and her husband. Claimant's husband died in 1939 intestate and leaving no debts, however, and under California law claimant thereupon became sole owner of the property. *Deering's Probate Code of California* (1949), §§ 201, 202. Claimant accordingly is entitled to receive the sum of \$333.59 under the above-mentioned Act as compensation for loss of personal property as a reasonable and natural consequence of her evacuation.