

## CLAIM OF HATSUJIRO IMAI

[No. 146-35-425. Decided October 4, 1950]

## FINDINGS OF FACT

This claim, in the amount of \$232.09, was received by the Attorney General on February 4, 1949. It involves the loss of personal property described as 5 volumes of Japanese dictionaries; 12 volumes of Japanese fiction; 5 volumes on flower growing; 8 volumes on Mental Science; 1 Victor phonograph; 1 radio, without a shortwave band; 100 phonograph records; 1 brown suit; 1 gray suit; 1 pair shoes; 1 Japanese kimono; 3 sweaters; 1 overcoat, and 1 silk shirt. Claimant was the owner of such property at the time of loss. Claimant was born in Japan on April 16, 1880, of Japanese parents. On December 7, 1941, and for some time prior thereto, claimant actually resided at 10189 Foothill Boulevard, San Fernando, Los Angeles County, California, and was living at that address when he was evacuated on April 28, 1942, under military orders pursuant to Executive Order No. 9066, dated February 19, 1942, and sent to Manzanar Assembly Center and remained there during his entire evacuation. At no time since December 7, 1941, has claimant gone to Japan. At the time of his evacuation, claimant was unable to take the above-mentioned property with him to the evacuation camp; and on or about April 27, 1942, he stored all of the above-mentioned articles in a garage owned by his son, as he had not been advised as to the availability of Government warehouses. Claimant was ill and could not sell his personal effects, and, since he was not aware of Government facilities for storage, he acted reasonably in storing his belongings in his son's garage. When he returned from camp, all of the aforementioned articles

were missing from said garage. The fair value of same at that time was \$168.50. Claimant never recovered any of the articles stored and he has been unable to locate them or ascertain what disposition was made of them. Claimant's loss has not been compensated by insurance or otherwise. Hence, claimant suffered a loss of \$168.50 due to his evacuation.

#### REASONS FOR DECISION

It has been found as a fact that claimant could not take with him to the relocation center the property claimed because of military regulations. It follows that the loss from theft was the reasonable and natural consequence of his evacuation. If claimant had not been evacuated, he would not have had to store the goods in question, and in storing them in his son's garage, it has been found as a fact that in all the circumstances he acted reasonably. The evidence of claimant's loss consists solely of his sworn statements, which were corroborated in part by investigation. Physical inspection could not be made of the property. However, statements made by claimant regarding purchase prices on the articles involved were corroborated by substantial business men of the Los Angeles, California, area. Due to conditions existing on the west coast in 1942, claimant acted reasonably in storing his personal property in his son's garage since he had not been informed that he could store it in a Government warehouse. The fair value of claimant's property at the time of his evacuation and, consequently, his loss, was \$168.50. On the facts found, the loss is allowable. *Akiko Yagi, ante*, p. 11. The record discloses that the bulk of the items involved were acquired in 1938, 1940, and 1941 but that certain of claimant's books were purchased in 1935 and, apparently, were originally community property of himself and his wife. Since claimant's wife died that same year, however, intestate and leaving no debts and claimant thereupon acquired complete title to the books under California law (*Deering's Probate Code of*

*California* (1949), §§ 201, 202), it is clear that claimant was sole owner of the property at the time of loss. Claimant is accordingly entitled to receive the sum of \$168.50 under the above-mentioned Act as compensation for loss of personal property as a reasonable and natural consequence of his evacuation.