

CLAIM OF FUDEKICHI YOSHIDA

[No. 146-35-647. Decided October 4, 1950]

FINDINGS OF FACT

This claim, in the amount of \$790, was received by the Attorney General on February 18, 1949, and is for loss of personal property. The claim alleges that claimant was born in Japan on May 2, 1881, of Japanese parents, that on December 7, 1941, he resided at 640 San Julian Street, Los Angeles, California, and that he was evacuated from that address on May 7, 1942, to the Santa Anita Assembly Center and from there to the Rohwer Relocation Center, Arkansas. The claim further alleges that claimant was arrested on the eve of his evacuation for inadvertently violating the curfew regulations and held overnight by the police but released the following day, that he was not released in time to leave on his evacuation train for Santa Anita and that the police therefore escorted him to the assembly center, that the police did so without permitting him to pick up his personal belongings which were at the hotel where he was staying and without affording him an opportunity to make any arrangements regarding the same, finally that claimant had the matter checked at the very first opportunity but found all his property lost. With respect to the question of whether or not claimant was voluntarily or involuntarily deported from the United States to Japan after December 7, 1941, the claim states "yes."

The claim was noticed for the taking of testimony at the Los Angeles Field Office on May 9, 1950. No evidence was received, however, because of claimant's demise prior to that date. Investigation reveals that claimant left no property or estate and that no administration is pend-

ing. Investigation further reveals that claimant was never married but has relatives, included among whom is a brother, in Japan; further, that his sole kin in the United States is the son of a deceased first cousin and that the latter is not interested in prosecuting the claim.

REASONS FOR DECISION

As appears from the findings of fact, the instant case involves significant legal and factual questions. With respect to the former, there is the primary problem of survival of claims, together with the further question of whether the loss alleged was the proximate consequence of claimant's evacuation, or resulted from his arrest. Again, factually, there is the matter of proof of the general issue including, in light of documentary material in the record, whether the statement concerning deportation to Japan is, in fact, correct. Determination of these several matters is unnecessary, however, since there is no party claimant to press them for consideration. Accordingly, dismissal of the claim pursuant to the provisions of Section 4 (a) of the Act becomes inevitable. It is to be noted, however, that such action is not necessarily fatal in the event a party claimant does arise, since Section 4 (d) of the Statute specifically provides that an order of dismissal may be set aside by the Attorney General.