

CLAIM OF HATSUZO AKANO

[No. 146-35-2381. Decided December 1, 1950]

FINDINGS OF FACT

This claim, alleging a loss in the amount of \$724.50, was received by the Attorney General on April 11, 1949. It involves a loss due to the theft from storage of personal property, consisting of trunks, suitcases, a radio (no short-wave band), kitchen utensils, books, clothing and wearing apparel. The claimant, unmarried, was born in Japan April 21, 1876, of Japanese parents and at no time since December 7, 1941, has he gone to Japan. On December 7, 1941, and for some time prior thereto, the claimant resided at the Hotel New Palace, 118 Weller Street, Los Angeles, Los Angeles County, California. At the time of his evacuation on March 23, 1942, in accordance with military orders issued under authority of Executive Order No. 9066, dated February 19, 1942, claimant resided at 216½ South San Pedro Street, Los Angeles, California. He was thereafter sent to the Manzanar Relocation Center at Manzanar, California. On December 8, 1941, the Hotel New Palace was ordered closed by the Treasury Department and all occupants, with the exception of the hotel owner and his wife, were ordered to remove therefrom immediately. Due to the abrupt notice of removal, the claimant stored all the property involved in this claim in a room in the basement of the hotel. The room in which the property was stored was thereafter sealed and kept well guarded until April 4, 1942, the date of the owner's evacuation. The hotel had been reopened, in the meantime, on March 18, 1942, and the owner had advertised in the newspapers for such persons as had stored property therein to come and reclaim such property. This, claim-

ant failed to do. On his return from the relocation center, the claimant went to the hotel to reclaim his property but found that the hotel had changed hands and that the property was no longer there. He made inquiries concerning his property from persons in the neighborhood but found no one who could furnish any information concerning its whereabouts. The fair and reasonable value of the claimant's property stored in the hotel was \$184.25. None of the property concerned has been compensated for by insurance or otherwise.

REASONS FOR DECISION

The evidence of claimant's loss consists of his sworn statement which was corroborated in part by investigation. It is reasonable to assume that a person of claimant's station in life would own personal property of the type for which claim is made herein. It may be said that the claimant's property was not stored away because of the evacuation but because the hotel in which he lived was ordered closed, a happening which occurred prior to the issuance of Executive Order No. 9066. It nevertheless follows that the loss itself was caused by his evacuation. The hotel was closed on December 8, 1941. From that date until March 18, 1942, the claimant was not permitted to enter the hotel and reclaim the property which he had stored therein. It should be noted that there was only a 5-day period between the reopening of the hotel and claimant's evacuation on March 23, 1942, within which claimant might have repossessed his property. He would then have been faced with the further problem of where to again store the property inasmuch as he could not take it to the relocation center with him. There is some doubt that claimant was aware that his property had been made available to him on March 18, 1942. Even if the claimant did know on March 18, 1942, that he could have reclaimed his property, it would have been a more reasonable action for him to have left his

property where it was in view of his impending evacuation. It is a recognized fact that the government encouraged and advised evacuees to store their goods and property "in depositories of their own choice" and "on a voluntary basis." (U. S. Department of Interior Pamphlet; *The Wartime Handling of Evacuee Property*, p. 5.) For these reasons, it would appear that the claimant acted reasonably in leaving his property in which he, at the time, considered to be a safe place. A physical inspection of the property could not be had but a view of the premises in which the property was stored disclosed that it was a reasonably safe place for the storage of this property. A loss caused by the theft from storage is allowable under the aforementioned Act. *Akiko Yagi, ante*, p. 11.