

CLAIM OF DOROTHY HARUKO NAGAI

[No. 146-35-801. Decided October 19, 1950]

FINDINGS OF FACT

1. This claim, in the amount of \$415, was received by the Attorney General on February 25, 1949. It involves the loss of personal property described as sewing machine, Japanese kimono sets, wrist watches and household furniture. Claimant was an unmarried woman and was the owner of the property at the time of loss. Claimant was born in Wailua, Territory of Hawaii, on February 15, 1910, of Japanese parents. At no time since December 7, 1941, has she gone to Japan. On December 7, 1941, and for some time prior thereto, claimant actually resided at 112 North San Pedro Street, Los Angeles, California, and was living at that address when she was evacuated on May 9, 1942, under military orders pursuant to Executive Order No. 9066, dated February 1942, and sent to Santa Anita Assembly Center at Arcadia, California, and thence to Heart Mountain Relocation Center.

2. Shortly before her evacuation claimant sold the above-mentioned articles of personal property for the highest prices which could be obtained at that time. Claimant took to the Relocation Center two duffle bags containing clothing and other personal effects. Because of lack of space and their weight of approximately 50 pounds, claimant was unable to take her Japanese kimonos with her. Because of her impending evacuation, claimant, who had been employed for the several preceding years as a waitress in a Japanese restaurant, was unable to obtain steady employment to earn sufficient money both to meet her current needs and to purchase duffle bags and other necessities for evacuation. Claimant also had heard the

rumor that all jewelry would be confiscated by the Government in the relocation centers. For these reasons, claimant sold her two wrist watches to a secondhand jewelry dealer for a total of \$25, which was the highest price she could obtain. Claimant's miscellaneous household furniture was sold just before her evacuation, since she could not afford to incur storage charges at the time. Claimant acted in a reasonable and prudent manner in disposing of her personal property for the highest prices obtainable, since there was no free market upon which a better price could be had. The fair and reasonable value of claimant's property at the time of her evacuation was \$429.53, and the sum she received on the sale of her property was \$176.50, and her resulting loss of \$253.03 was a reasonable and natural consequence of her evacuation, not compensated for by insurance or otherwise.

REASONS FOR DECISION

Claimant was eligible to claim.

On the facts found claimant's sale of her goods was reasonable, and consequently, such a loss on sale is allowable. *Toshi Shimomaye, ante*, p. 1. At first impression, it might be supposed that the kimono sets and watches could have been taken with her to the Relocation Center, but the weight of the former, 50 pounds, precluded this under the severe military limitations imposed (see *Akiko Yagi, ante*, p. 11), and her need for money which sale of the latter would supply, together with her fear of confiscation of them at the Relocation Center, were sufficiently reasonable grounds "in a setting of confusion and hysteria" (80th Cong., 1st sess., House Report No. 732, p. 2) such as prevailed at the time among claimant's people in California.