

By Commission letter dated March 14, 1997, the claimants were advised that the Commission is bound by the terms of the 1995 Settlement Agreement between the United States and Albania and the United States law that authorizes the Commission to decide claims under that agreement. The claimants were also advised that, in order to be compensable, a claim must have been held continuously by one or more United States nationals from the date of the confiscation of the property in issue until April 19, 1995.

The Commission letter further advised the claimants that, unless they could show that they qualified as United States nationals after their father's death, there would be no basis upon which the Commission could favorably consider the claim. Claimants attempted to send a facsimile letter to the Commission on April 4, 1997, but the transmission was not successful.

To date, no other evidence in support of the claim has been submitted.

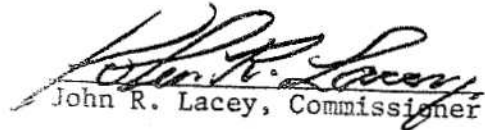
Because claimants have not requested an oral hearing, the Commission issues this Final Decision based on its de novo review of the evidence in the record. The Commission has carefully considered claimants' statement of objection and has again reviewed the entire record in this claim. The Commission again notes, however, that no evidence of the United States nationality of the claimants has been submitted. As such, there is no basis on

which to change the result reached in the Commission's Proposed Decision. Accordingly, the denial set forth in the Proposed Decision of January 28, 1997 must be and is hereby affirmed. This constitutes the Commission's final determination in this claim.

Dated at Washington, DC and
entered as the Final
Decision of the Commission.

APR 15 1997


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, DC 20579

In the Matter of the Claim of

DHIMITRI THOMA SOFRONI
KLEOPATRA THOMA MALIQI

Against the Government of Albania

Claim No. ALB-141

Decision No. ALB-253

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged loss of real and personal property located in the District of Korce.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.

22 U.S.C. 1623(a) (1994).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

Claimants here seek compensation for a house (with contents), a stable, and livestock and other animals in Punemira, all of which were damaged or destroyed during World War II. Claimants also seek compensation for the Punemira land and for three hectares of agricultural land in the city of Korce, said to have been expropriated in the agrarian reform of 1946. At that time, according to claimants, the properties were owned by their father, Thoma Dhimiter Llazar Sofroni (Thoma Mitre), who was naturalized as a U.S. citizen in 1942 and lived in the United States until 1963. Claimants state that they inherited the right to the claim upon their father's death in 1968 in Albania.

Unfortunately, the Commission cannot consider this claim. As discussed above, the Settlement Agreement provides only for compensation of "United States nationals." The term "nationals of the United States," in turn, is defined in Title I of the ICSA, as amended, as "persons who are citizens of the United States." Pub. L. 455, 81st Cong., approved March 10, 1950, § 2(c), 64 Stat. 13 (22 U.S.C. 1621).

On their claim form, claimants stated that they were born before their father was naturalized as a citizen of the United States and that they have not acquired U.S. citizenship. Because claimants are not U.S. citizens, their claim is not within the scope of the Settlement Agreement. The Commission therefore has no jurisdiction to consider the claim.*

Accordingly, while the Commission sympathizes with claimants for the loss of their family's properties, this claim must be and is hereby denied.

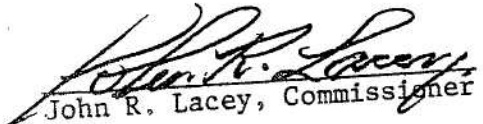
*Claimants' claim for World War II damage must be dismissed for another reason as well. The Settlement Agreement covers only claims against the government of Albania. Losses suffered at the hands of German forces during World War II are therefore outside the scope of the Settlement Agreement and, thus, beyond the jurisdiction of the Commission at this time.

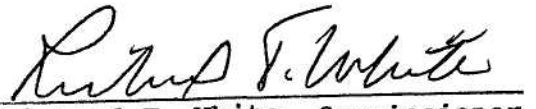
The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, DC and entered as the Proposed Decision of the Commission.

JAN 28 1997


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).