

her in obtaining evidence to support her claim. Claimant therefore requested that the Commission keep her file open. The Commission honored claimant's request, and treated the November 1996 communication as an objection.* However, no further evidence was submitted. Accordingly, by letter dated March 4, 1998, the Commission advised claimant's counsel to forward any additional evidence in support of the claim no later than April 15, 1998. To date, no substantive response has been received.

In the absence of any further evidence, the Commission is constrained to conclude that there is no basis on which to change the result reached in the Commission's August 16, 1996 Proposed Decision in this claim. The denial set

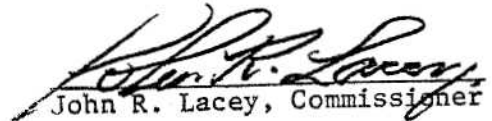
*Under the Commission's regulations, a Proposed Decision becomes final after 30 days, absent the filing of an objection. 45 C.F.R. §531.5(g). Thereafter, a claimant may seek reconsideration only through a petition to reopen on the ground of newly-discovered evidence. 45 C.F.R. §531.5(1). Recognizing, however, that domestic turmoil in Albania impeded the efforts of many claimants to obtain evidence to support objections, the Commission in its discretion has decided to treat tardy submittals (such as that here) as timely-filed objections.

forth in the Proposed Decision therefore 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.

MAY 04 1998


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

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

In the Matter of the Claim of

VICTORIA GALLANI

Against the Government of Albania

Counsel for Claimant:

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Claim No. ALB-157

Decision No. ALB-153

Gilbert W. Cox, Jr., Esquire

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Dardhe, 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).

The claimant in this case has asserted that the property that is the subject of her claim was confiscated by the Albanian government in 1946. At that time, according to the claimant, she was the owner of the property in question. The claimant has established that she acquired United States nationality by naturalization on December 5, 1938 in Boston, Massachusetts. However, the claimant has not provided any evidence of her ownership of the property in question or its confiscation. By letter dated February 13, 1996, addressed to claimant's attorney, the Commission requested that this information be submitted, but no substantive response has been received to date.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

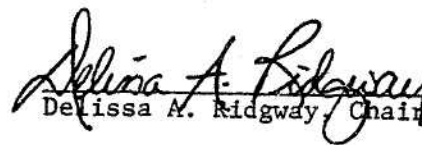
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish her ownership of the property which is the subject of her claim, and the date and circumstances of its alleged confiscation. In the absence of such evidence, the Commission must conclude that claimant's claim is not compensable under the

terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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

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

AUG 16 1996


Delissa A. Ridgway, Chair


John R. Lacey, Commissioner

This decision was entered as the Commission's
Final Decision on OCT 07 1996

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).