

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

---

In the Matter of the Claim of

NIKOLAOS KORKARIS

Against the Government of Albania

---

Claim No. ALB-226

Decision No. ALB-166

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property in Dervitsiani, in the District of Gjirokaster.

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 stated that the properties which are the subject of his claim were confiscated by the Albanian government in 1945. At the time of confiscation, according to the claimant, the properties were owned by his father, Spiridon (Spiros) Korkaris, assertedly a United States citizen.

By letter dated March 13, 1996, the Commission requested that the claimant submit evidence of his and his father's United States nationality, a copy of his father's death certificate and will, evidence of his father's ownership of the property in question, and some evidence of the date and

circumstances of the alleged confiscation. The Commission received no response to this request. On July 2, 1996, the Commission reiterated its request and informed claimant that if the requested information and evidence was not received within thirty days, the claim would be submitted for decision on the basis of the existing record. Again, claimant made no response to this request, and no further evidence has been received.

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.

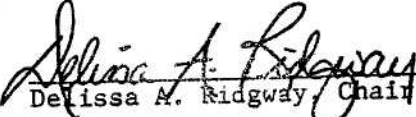
45 C.F.R. 531.6(d)(1995).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his own nationality, and the nationality of his father. Nor has claimant met his burden of proof to establish his father's ownership of the property at issue in this claim at the time of its asserted loss in 1945. In the absence of such evidence, the Commission is unable to find that, at the time the property in question was assertedly taken by the Albanian government, it was owned by a national of the United States. Accordingly, the Commission must conclude that this claim is

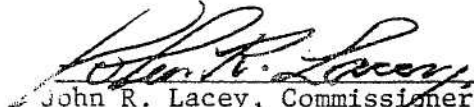
not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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.

  
Delissa A. Ridgway, Chair

**AUG 16 1996**

  
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).