

By letter dated March 17, 1997, claimant objected to the Proposed Decision, and requested an oral hearing at which to present his objection. In accordance with his request, a hearing was set for April 15, 1997, at 12:00 p.m.

Subsequently, under date of March 27, 1997, claimant submitted a "Declaration" setting forth further arguments and factual details in support of his objection, and also submitted statements by his sisters, Lettie Karlson and Cynthia Pantos, by his brother, Chris Alexander Pantos, and by his cousin, Amalia Mougolias, requesting to be included as co-claimants in the claim. These were then followed by a further letter from claimant dated March 29, 1997, explaining his understanding of the inheritance of his grandfather's claim for the property here in issue through his grandmother and father to his siblings and cousins and to himself.

However, due to the political unrest then occurring in Albania the Commission advised the claimant in a letter dated April 1, 1997, that its independent consultant was unable to complete his investigation of his and other still-pending claims, and claimant was offered the opportunity to postpone his oral hearing until October or November 1997. Claimant accepted this offer and his claim was placed in abeyance awaiting improvement in the political situation in Albania.

Because of the continuing political unrest in Albania, claimant's claim remained in abeyance until April 1998, when the Commission's independent

consultant finally succeeded in examining records in the District Archives in Gjirokaster, and provided a report detailing the results of his investigation. A copy of this report was provided to the claimant, and he was afforded an opportunity to comment on it. In addition, he was advised that a new date of June 15, 1998, had been set for the oral hearing on his objection. By letter dated May 22, 1998, claimant requested that the hearing be conducted via a telephone or video conference connection, if possible, but in a further letter dated June 5, 1998, he requested a postponement of the hearing to allow him more time to obtain testimony from witnesses in Albania to support his claim. In response, the Commission's staff advised him that the oral hearing would be postponed until July 31, 1998, at 10:00 a.m. However, claimant did not appear on that date or request a further postponement. Accordingly, the Commission has considered his objection in a hearing on the record.

As noted in the Proposed Decision, the property which is the subject of this claim is described as a stone house with an outhouse and surrounding land, together with agricultural land used for cultivating vegetables and growing fruit trees. Claimant has also submitted photographs of the house, which show that it consists of two stories and has a large balcony or deck on the back which

overlooks the village below. As noted above, the record now also contains a report from the Commission's independent consultant in Albania setting forth the results of his investigation into the facts of claimant's claim. This report states that according to the District Archives in Gjirokaster, after World War II claimant's grandfather was effectively the owner of 13,100 square meters (about 3.24 acres) of farmland and vineyard in the vicinity of the village of Hllomo. In addition, the report confirms that, according to the cadastral records, he owned a parcel of non-agricultural land of unspecified size which one may infer was the site of his house in the village.

Based on the evidence and information now before it, the Commission finds that claimant's grandfather, Stefanos Pantos, a United States citizen by naturalization on January 23, 1935, owned 13,100 square meters of crop land, vineyard, and orchard in the vicinity of the village of Hllomo, Albania, as well as a two-story stone house in the village.

With regard to the loss of this property, the Commission is aware that on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This law provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without

payment of compensation to the legal owner (Land Reform Law No. 108, GZ 1945, No. 39). This law was then affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." (Alb. Const., 1946, Ch. I, Art. 12).

In this case, the claimant has stated that his grandfather's property was taken by Albanian Communist regime in 1945. In the absence of a more precise date, the Commission will deem the taking to have occurred as of August 29, 1945. Accordingly, the Commission finds that the claimant's grandfather's property was the subject of an uncompensated expropriation by the Government of Albania on or about August 29, 1945.

The record establishes that claimant's grandfather died intestate in Illinois, in 1948 and was survived by claimant's grandmother, who never held United States citizenship, and by claimant's father, Alexander Pantos, and the latter's two brothers and two sisters. Thus, under the intestate law of Illinois, claimant's father inherited a one-tenth share in the claim for the loss of Stefanos Pantos's property. The record further establishes that claimant's father, Alexander Pantos, died in 1980 and was survived by his wife -- claimant's mother -- and by the claimant and claimant's sisters, Lettie Karlson and Cynthia Pantos, and claimant's brother, Chris Alexander Pantos, all of whom are United States

citizens by birth. Thus, claimant and his mother and siblings each inherited a one-fifth share in their father's one-tenth interest in Stefanos Pantos's claim for the property in issue, or a claim for the loss of a 1/50th interest in the property. In addition, the record establishes that claimant's uncle, Thomas Pantos, who also had acquired United States citizenship by naturalization on January 23, 1935, died in 1960 and was survived by his wife, two sons, and two daughters, including claimant's cousin, Amalia Mougolias, who is also a United States citizen by birth. Thus, Amalia Mougolias also inherited a claim for a 1/50th interest in the property in issue. Finally, the record establishes that Lettie Karlson, Cynthia Pantos, Chris Alexander Pantos, and Amalia Mougolias have all assigned their claims to the claimant, STEPHEN J. PANTOS. Accordingly, claimant is entitled herein to an award for the loss of five 1/50th shares in the property in question, which is equivalent to a one-tenth share therein.

Turning to the issue of valuation, claimant asserted on his original Statement of Claim form that his grandfather's property had a value of \$4,500 at the time of loss, based on comparisons with other properties of villagers living in Hllomo at that time. Considered in comparison with the valuations that the Commission has determined in other claims, the Commission finds that this figure

is appropriate and reasonable. For his one-sixth interest in the claim for the property, claimant is accordingly entitled to an award in the principal amount of \$450.00, dating from August 29, 1945.

Unfortunately, however, the claim for the remaining nine tenths of the property is not compensable here. The shares in claimant's grandfather's claim inherited by his uncles Thomas and Gus -- except for the portion of his uncle Thomas's share assigned to him by his cousin Amalia -- were inherited by other cousins who have not asserted their claims for those shares before the Commission. In addition, the shares inherited by claimant's aunts, who are said to be living in Greece, and the shares inherited through claimant's grandmother and mother, have not been continuously held by United States nationals. It is a well-established principle of the law of international claims, which has been applied by both this Commission and its predecessor, the International Claims Commission, that a claim may be found compensable only if it was continuously held by a United States national from the date it arose until the date of settlement. *See, e.g., Claim of PETER D. JANUS against Yugoslavia*, Claim No. Y-1721, Decision No. Y-0377 (1954); *Claim of MIA FOSTER against Czechoslovakia*, Claim No. CZ-2696, Decision No. CZ-0001 (1960). Accordingly, to the extent

that the present claim is based on the loss of the remaining nine-tenths interest in claimant's grandfather's property, the claim must again be and is hereby denied.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission concludes that the claimant is also entitled to interest as part of his award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is also entitled to an interest award of 297.8 percent of his principal award, or \$1,340.10.

Under the terms of the U.S.-Albania settlement agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards so as to prevent any double recovery. A copy of this decision will therefore be forwarded to the Albanian government in due course.

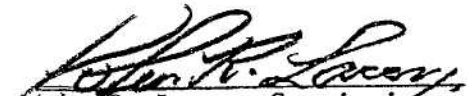
The Commission therefore withdraws the denial set forth in the Proposed Decision, and makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICSA (22 U.S.C. §§1624, 1626, and 1627). In all other respects, the Proposed Decision is affirmed. This constitutes the Commission's final determination in this claim.


A W A R D

Claimant, STEPHEN JOHN PANTOS, is entitled to an award in the principal amount of Four Hundred Fifty Dollars (\$450.00) , plus interest from August 29, 1945, to April 18, 1995, in the amount of One Thousand Three Hundred Forty Dollars and Ten Cents (\$1,340.10) , for a total award of One Thousand Seven Hundred Ninety Dollars and Ten Cents (\$1,790.10).

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

OCT 29 1998


John R. Lacey, Commissioner


Richard T. White, Commissioner

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 1945.¹ According to the claimant, his grandfather, Stefanos Pantos, was the owner of the properties at the time of confiscation.

¹The only property specifically described on claimant's claim form is a stone house with a grove of trees, a vegetable garden and an outhouse (although in one place claimant generally refers to "land"). Subsequent correspondence from claimant refers broadly to "agricultural land," but claimant has never expressly stated the size of the plot(s) for which he is claiming.

By letter dated April 29, 1996, the claimant submitted his grandfather's death certificate and photos of the house which is the subject of his claim. His letter dated June 24, 1996 submitted two essentially identical affidavits apparently intended to establish his grandfather's ownership of agricultural property. That letter also informed the Commission that claimant has submitted a request for records to the Albanian Land Commission in Gjirokaster. Unfortunately, however, the evidence in the file to date will not support an award.

The affidavits submitted attest only to the cultivation of land by the family of claimant's grandfather. The affidavits do not expressly state who owned the land; and they do not specifically describe the land (e.g., by boundaries), asserting only that it is "about" ten acres. Similarly, while the affidavits speak generally of the house, they do not describe it in any detail. Moreover, there is no evidence of the dates and circumstances of confiscation of any of the property. By letters dated July 11, 1996, October 21, 1996, December 3, 1996, and February 4, 1997, the Commission notified the claimant that it was awaiting further evidence and information from him in support of the claim, but none has since been submitted.

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 sufficient evidence to substantiate his grandfather's ownership of the property at issue, the extent of his inheritance of an interest in the claim for the property,² or the date and circumstances of the alleged confiscation. In the absence of such evidence, the Commission is unable to find that this claim is compensable under the Settlement Agreement. Accordingly, the claim must be and is hereby denied.

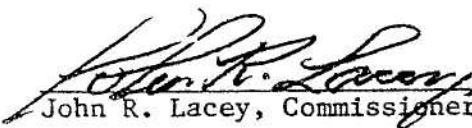
²The claim form suggests that claimant may be seeking to claim not only for his own interests, but also on behalf of his siblings, and possibly other relatives as well. To be included as a co-claimant, an individual must submit -- at a minimum -- a signed statement to that effect and proof of United States nationality.

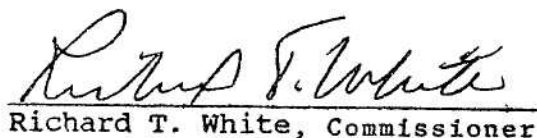
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

FEB 24 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).