

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

In the Matter of the Claim of

MARY ABDALL ROMANO

Against the Government of Albania

Claim No. ALB-263

Decision No. ALB-163

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property in or around Cfake, 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 her claim were confiscated by the Albanian government between 1945 and 1948. At the time of confiscation, according to the claimant, the properties were owned by her grandmother, Selime Abdall, and her father, Hisejn (Harry) Abdall. The claimant has established that her father acquired his United States nationality by naturalization on February 24, 1948.

By letter dated March 19, 1996, the Commission requested that the claimant submit evidence of her United States nationality, her father's death certificate and will, evidence of her father's ownership of the property in

question, some evidence of the date and circumstances of the alleged confiscation, and some evidence of her or her father's ownership of the personal and household items which are included in the claim. On July 2, 1996, the Commission reiterated its request and advised 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. Although claimant has since contacted the Commission, no evidence of probative value has 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 claimant is responsible for the production of evidence in this case and thus bears the burden of proof in submitting independent objective evidence. To date, the claimant has not met her burden of proof to establish that her father owned an interest in the property at issue in this claim at the time of its asserted loss between 1945 and 1948. Nor has claimant submitted any evidence to establish the date and circumstances of the alleged confiscation. In the absence of such evidence, the Commission is unable to find that, at the

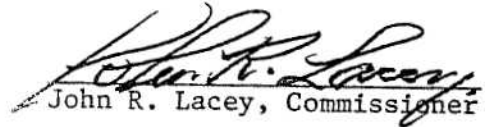
time the property in question was assertedly taken by the Albanian government, it was owned by a national of the United States. Accordingly, it must conclude that claimant's claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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.


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).