

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

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In the Matter of the Claim of	}	
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	}	
JULIA HODA	}	Claim No. ALB-299
	}	Decision No. ALB-265(R)
	}	
Against the Government of Albania	}	

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Counsel for Claimant: Daniel A. Silver, Esquire  
Silver & Silver LLP

ORDER

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Labove e Madhe, District of Gjirokaster.

In an Amended Proposed Decision issued on December 14, 2006, the Commission made an award to the claimant in the principal amount of \$4,000.00 together with an interest award of \$9,192.00 based on the confiscation of her late husband's father's agricultural land in Labove e Madhe by the Albanian Communist regime as of January 1, 1957.

Since then, however, the Commission has received an affidavit from the claimant dated January 10, 2007, informing the Commission that she has no interest in pursuing the claim and requesting that the claim "be withdrawn immediately, with prejudice." The Commission has considered the claimant's request, and has determined that it should be granted.

Accordingly, it is ORDERED that the present claim be and it is hereby dismissed with prejudice.

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

JAN 25 2007.



Mauricio J. Tamargo, Chairman



Stephen C. King, Commissioner

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AMENDED PROPOSED DECISION

This claim against the Government of Albania is based upon the confiscation of real property located in the village of Labove e Madhe, District of Gjirokaster.

By Proposed Decision entered on January 28, 1997, the Commission denied this claim on the ground that the claimant's decedent, her husband Polo Hoda, who subsequently died on May 31, 2000, did not satisfy the residency requirement in the Agreed Minute to the U.S.-Albania Claims Settlement Agreement. *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"). That provision specified that a claim would not be compensable under the Settlement Agreement unless it was established either that the

claimant was residing in the United States as of the agreement's effective date of April 18, 1995, or that the claim was held continuously by one or more United States nationals residing in the United States for at least half the time between the date the claim arose and April 18, 1995.

It appears that the documentation submitted in support of his claim could have supported findings as to the United States nationality of the claimant's decedent and of his father, Sokrat Hoda, and as to the ownership, expropriation, and value of the property on which the claim was based and the inheritance of the claim after it arose. However, the Commission found itself constrained to reach its decision on the claim without considering the claim on its merits.

In the absence of an objection from the claimant, the Commission's Proposed Decision was entered as final on March 25, 1997, in accordance with its regulations. However, the Commission has now been informed that in a Diplomatic Note dated April 27, 2006, the Albanian Minister of Foreign Affairs advised the United States Embassy in Albania that it accepted and agreed with the proposal made by the United States Government on November 18, 2005, to delete the residency requirement from the Agreed Minute to the Settlement Agreement. Based on this modification of the Settlement Agreement, the

Commission concludes that this claim is now eligible for consideration on its merits.

As noted above, the original claimant in this claim, Polo Hoda, died intestate in Connecticut on May 31, 2000. Based on the evidence subsequently submitted, and in the absence of evidence indicating that the value of Polo Hoda's estate exceeded \$100,000 at the time of his death, the Commission finds that JULIA HODA, as Polo Hoda's widow, succeeded to sole ownership of her husband's claim under the intestate succession law of the State of Connecticut.\* Further, the Commission finds that Polo Hoda was the sole heir of his father, Sokrat Hoda, upon the latter's death in Albania on November 8, 1960. The record also establishes that Sokrat Hoda became a United States citizen by naturalization in 1926 and that Polo Hoda was a United States citizen from his birth on July 5, 1928, based on the United States citizenship of his father.

Turning to the property which is the subject of this claim, documentation submitted by the claimant and verified by the Commission's

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\*The relevant provision states that "[i]f there is no will, . . . the portion of the estate of the decedent . . . which the surviving spouse shall take is: . . . If there are surviving issue of the decedent all of whom are also issue of the surviving spouse, the first one hundred thousand dollars plus one-half of the balance of the intestate estate absolutely." Connecticut General Statutes, Title 45A, §437(a)(3)(2004).

independent consultant in Albania establishes that Sokrat Hoda owned a total of 2.205 hectares (approximately 5.45 acres) of farmland and vineyards in the vicinity of the village of Labove e Madhe, in the District of Gjirokaster. In addition, the Commission's consultant's investigation disclosed that Sokrat Hoda owned two building lots within the village of Labove e Madhe with a total area of 620 square meters (approximately 6,674 square feet). It could not be determined whether a house or other structure currently stands on either lot, but according to the late Polo Hoda's original Statement of Claim, the Hoda family's house and their bakery and general store in the village were burned down by the invading German forces in 1944.

Based on the documentation now before it, the Commission finds that the claimant's predecessor, Sokrat Hoda, owned a total of 2.205 hectares of farmland and vineyards in the vicinity of Labove e Madhe, District of Gjirokaster, and two building lots in the same village with a total area of 620 square meters. The Commission further finds, based on its decisions in other claims for property in the vicinity of Labove e Madhe, including its decision in the claim of certain of the late Polo Hoda's relatives (*Claim of THANAS HODO, et al. Against Albania*, Claim No. ALB-294, Decision No. ALB-213 (1996)), that Sokrat Hoda's property was nationalized or otherwise taken by the

Albanian government, without payment of compensation, as of January 1, 1957. Accordingly, JULIA HODA is entitled to an award for the uncompensated taking of Sokrat Hoda's property, dating from January 1, 1957.

The late Polo Hoda asserted in his Statement of Claim that the total value of his losses amounted to "28,919,700 new Leke" or \$289,197. However, this figure included the losses incurred at the hands of the German forces in 1944. He did not assign any separate values for his land, and the present claimant has not suggested any figure in her submissions.

Based on comparisons with the values determined in other claims for property in the vicinity of Labove e Madhe, the Commission finds that Sokrat Hoda's farmland and vineyards had a total value of \$2,000.00 as of the loss date of January 1, 1957, and that his building lots in the village also had a value of \$2,000.00 on that date. Accordingly, claimant JULIA HODA is entitled herein to an award in the principal amount of \$4,000.00, dating from January 1, 1957.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that JULIA HODA is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the

Settlement Agreement. Accordingly, JULIA HODA is also entitled to an interest award of 229.8 percent of her principal award, or \$9,192.00.

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 thus will be forwarded to the Albanian government in due course.

Accordingly, the Commission 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 International Claims Settlement Act of 1949, as amended (22 U.S.C. §§1624, 1626, and 1627).

A W A R D

Claimant JULIA HODA is entitled to an award in the principal amount of Four Thousand Dollars (\$4,000.00), plus interest from January 1, 1957, to April 18, 1995, in the amount of Nine Thousand One Hundred Ninety-Two Dollars (\$9,192.00), for a total award of Thirteen Thousand One Hundred Ninety-Two Dollars (\$13,192.00).



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

DEC 14 2006



Mauricio J. Tamargo, Chairman



Stephen C. King, 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. 509.5 (e) and (g) (2006).

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

In the Matter of the Claim of

POLO SOKRAT HODA

Against the Government of Albania

Claim No. ALB-299

Decision No. ALB-265

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Labove E Madhe, in the District of Gjirokaster.

As a preliminary matter, the Commission notes that this claim was received by the Commission after the expiration of the Commission's filing deadline of December 29, 1995. The Commission nevertheless has decided to accept the claim for consideration.

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 Agreed Minute to the Settlement Agreement further provides:

For purposes of article 1, the term "United States nationals" shall include dual United States-Albanian nationals only if those nationals are domiciled in the United States currently or for at least half the period of time between when the property was taken and the date of entry into force of the agreement.

In effect, this residency requirement limits the Commission's jurisdiction over the claims of dual nationals to those cases where the owner of the claim either (1) was domiciled in the United States on April 18, 1995 (the effective date of the Settlement Agreement), or (2) was domiciled in the United States for at least half the period of time between the date the property was expropriated and April 18, 1995.

Claimant here, assertedly a United States national by birth, seeks compensation for a three-story house (with contents), livestock, a bakery and a shop (all said to have been lost or destroyed as a result of military operations in June 1944), and 2.7 hectares of land said to have been "nationalized" by the Albanian government in 1957. At those times, according to claimant, the properties were owned by his father, Sokrat Hoda, who was naturalized as a United States citizen in 1926. The claimant states that he inherited the right to claim for the property upon the death of his father in 1960.

Unfortunately, the information provided by claimant to date is not sufficient to establish his right to compensation.

Claimant's claim for losses due to World War II military operations are beyond the scope of the Commission's jurisdiction. The Settlement Agreement covers only claims against the Government of Albania; claims for losses suffered at the hands of German forces are beyond the scope of the Settlement

Agreement. Accordingly, claimant's claim for the June 1944 destruction of the house (and contents), the livestock, the bakery and the shop must be and is hereby denied.

Claimant fares no better on his claim for the expropriation of land. It appears that claimant is a dual U.S.-Albanian national, because his father was an Albanian citizen. Under Albanian law, claimant retains Albanian nationality notwithstanding his U.S. nationality by birth. Because claimant is a dual United States-Albanian national, the Commission is constrained to apply the residency requirement in the Agreed Minute to the Settlement Agreement.

However, although claimant is now living in the United States, there is no evidence that he was living in this country on April 18, 1995. Nor is there any evidence that the owner of the claim (claimant's father, then -- after his death -- claimant) lived in the U.S. for at least half of the time between April 1995 and the expropriation in 1957.

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

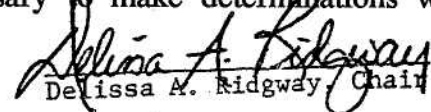
The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

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

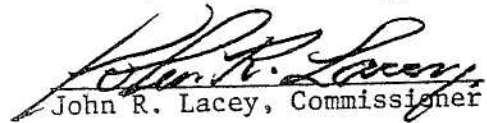
The Commission finds that claimant here has not met the burden of proof to establish either that he was living in the United States on April 18, 1995 or that the owner of the claim lived in the United States for at least half the time between April 1995 and 1957, when the claim arose. In the absence of such evidence, the Commission is unable to find that the residency requirement in the Agreed Minute to the Settlement Agreement is satisfied.

Accordingly, while the Commission sympathizes with claimant for the loss of his family's property, it cannot find -- on the evidence submitted to date -- that this claim is 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.

  
Delissa A. Ridgway, Chair

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

  
John R. Lacey, Commissioner

**JAN 28 1997**

This decision was entered as the Commission's

Final Decision on

**MAR 25 1997**

  
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).