

addition, he asserted that his father established his ownership to the above property "in 1966 when he appeared in person before the Commission..." and "was granted compensation for the land in question."

Although not specifically identified as such, the Commission has treated claimant's letter as an objection to the Proposed Decision. Because claimant has not requested an oral hearing, the Commission issues this Final Decision in a hearing on the record, based on its de novo review of the evidence submitted in support of the claim.

The Commission notes that other than his letter of August 7, 1998, claimant has submitted no additional evidence in support of his objection. In his letter, the claimant asserts that his father's ownership of property was established in the Commission's War Claims Program. However, the Commission's review of the decision in that claim (*Claim of GEORGE BASIL KOLTSE*, Claim No. W-13700, Decision No. W-18109 (1966)) discloses that although an award of \$500.00 was made to claimant's father in the decision, that award was only for loss of personal property, including household furnishings and livestock, located in Qyteze, Albania. The Commission found that this property was lost as a result of military operations of war in June 1944. Claimant's father had also claimed for damage to or loss of real property and improvements, but that claim was denied. Thus, contrary to claimant's assertion, there is nothing in the record

in that claim to permit a determination that claimant's father ever established his ownership of the 52.6 *dynym* of property for which the claimant is currently claiming, or any other amount of real property in Albania.

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

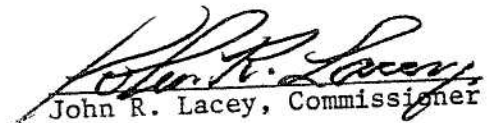
The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

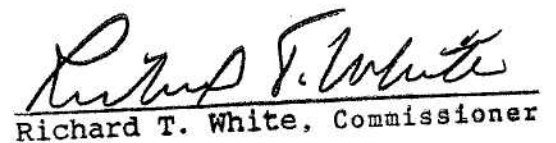
45 C.F.R. 531.6(d)(1997).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit evidence to establish his ownership of the property which is the subject of his claim, or his right to claim for its loss. In the absence of such evidence, the Commission is therefore constrained to conclude that the Proposed Decision 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.

OCT 29 1998


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

JOHN G. KOLTSE

Against the Government of Albania

Claim No. ALB-321

Decision No. ALB-302

PROPOSED DECISION

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

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) (1998).

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 asserts that the property which is the subject of his claim was confiscated by the Albanian government in 1957. He further asserts that his father, George Basil Koltse, a United States national since 1928, was the owner of the property at that time. According to the claimant, his father died in the United States in 1971. Claimant contends that, by tradition, because his father had resided with him until his death, he is entitled to claim for his father's property as his sole heir.

In support of his claim, claimant has submitted a document of ownership from the Miras Commune in the District of Devoll dated October 20, 1997, purportedly identifying him as having been the owner of 52.6 *dynyms* (5.26 hectares) of property in Qyteze in 1946. The Commission's independent consultant in Albania sought to verify this information but his research has failed to disclose any record of ownership of any property in Qyteze in the name of the claimant. The consultant has also advised the Commission, however, that he found that a "Vasil Kolce" was the title owner of certain property in Qyteze, similar in size to that being claimed for by the claimant.

By Commission letter dated June 22, 1998, claimant was advised of the result of the investigation and was offered the opportunity to respond to or clarify the consultant's report. To date, however, he has not responded.

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.

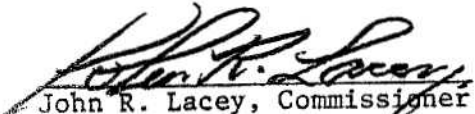
45 C.F.R. 531.6(d) (1997).

The Commission finds that the claimant had not met the burden of proof in that he had failed to submit credible evidence to establish the ownership of the property which is the subject of his claim, or his right to claim for its loss. 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 it 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.


John R. Lacey, Commissioner

JUL 31 1998


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) (1997).