

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

In the Matter of the Claim of	}	
	}	
THODHORAQ BARDHYLI	}	Claim No. ALB-337
	}	
	}	Decision No. ALB-320
Against the Government of Albania	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property said to have been located in the village of Ravonik, in the District of Korce.

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) (2004).

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).

Claimant asserts that the property that is the subject of this claim was confiscated in 1946. He further asserts he is a national of the United States by virtue of his father's United States citizenship, and that he inherited the right to claim for the property from his great-grandparents.

By Commission letters dated November 30, 2006, and January 31, 2007, the claimant was requested to provide evidence to establish his United States citizenship and the ownership and confiscation of the property in question. The Commission allowed him until March 8, 2007, to provide the necessary evidence. Since the claimant submitted his claim form in November 2006, however, the Commission has received no further communication from the claimant nor have any of the Commission's letters been returned as undeliverable.

Section 509.5(b) of the Commission's regulations provides:

The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

45 C.F.R. 509.5(b)(2006).

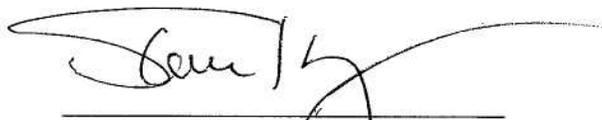
Based on its review of the record before it, the Commission finds that the claimant has not met the burden of proof in that he has failed to submit evidence to establish the existence or ownership of the property which is the subject of his claim or the date and circumstances of its alleged confiscation, or to establish that the property was owned by a national of the United States at the time of confiscation by the Albanian government. 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.

MAY 31 2007


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).