

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

FREDERIC E. STYNLER
c/o Otto G. Geiringer, Esquire
141 Broadway
New York 6, New York

Against the Government of Bulgaria
Under the International Claims Settlement
Act of 1949, as amended

Claim No. BUL-1,128

Decision No. BUL-212

GPO 16-72126-1

Counsel for Claimant:

OTTO G. GEIRINGER, Esquire
141 Broadway
New York 6, New York

FINAL DECISION

The Commission issued its Proposed Decision on January 16, 1958 on this claim, originally filed in the name of NEUHOEFFER & SOHN FABRIK FUER GEODETISCHE INSTRUMENTE UND FEINMECHANIK GESSELLSHAFT m.b.H. of Vienna, Austria, and now amended to read as above entitled, a certified copy of which was duly served upon the claimant. Full consideration having been given to the objections of the claimant, filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision with the aforementioned amendment be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

MAY 7 1958

Whitney Gilliland
Paul Rice
Henry S. Clay
COMMISSIONERS *g6* *AK*
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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

NEUHOEFER & SOHN FABRIK FUER GEODAETISCHE
INSTRUMENTE UND FEINMECHANIK GESELISCHAFT
m.b.H
Hartmannngasse 5
Vienna (Wien) V., Austria

Claim No. BUL-1,128

Decision No. BUL-2/2

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

OTTO G. GEIRINGER, Esquire
141 Broadway
New York 6, New York

PROPOSED DECISION

This is a claim under Section 303 of the International Claims Settlement Act of 1949, as amended, by NEUHOEFER & SOHN FABRIK FUER GEODAETISCHE INSTRUMENTE UND FEINMECHANIK GESELISCHAFT m.b.H, against the Government of Bulgaria, based upon the value of certain merchandise sold and delivered to the Bulgarian Ministry of Public Works in Sofia, Bulgaria, during April and July 1944, for which the Bulgarian Government agreed to pay the sum of 8300 Reichmarks.

The record discloses that claimant is a foreign corporation, organized under the Laws of Austria, and that Frederic E. Stynler, a United States national since his naturalization in the United States on June 24, 1946, allegedly owns a majority of the corporation's stock.

Section 303 of the Act provides that the Commission shall receive and determine the validity and amounts of three types of claims of nationals of the United States against the Government of Bulgaria, among others, namely, (1) certain claims for confiscation,

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damage to, or destruction of property in Bulgaria, for which provision was made in Article 23 of the Treaty of Peace with Bulgaria; (2) certain claims for the nationalization or other taking of property in Bulgaria prior to August 9, 1955; and (3) certain claims for the failure of the Government of Bulgaria to meet certain contractual obligations expressed in currency of the United States and acquired by nationals of the United States prior to April 24, 1941.

Section 301(2) (B) defines the term, "national of the United States" to mean "a corporation or other legal entity which is organized under the laws of the United States, any state or territory thereof, or the District of Columbia . . ."

Accordingly, the Commission finds that claimant corporation is not a national of the United States within the meaning of Section 301 and hence is not eligible for relief under the provisions of Section 303 of the Act.

When viewed as a claim by Frederic E. Stynler, this claim is likewise not compensable under the Act.

The claim being for the value of goods sold and delivered, it is clear that it does not fall under Section 303(1) since it involves no failure on the part of the Government of Bulgaria to carry out the provisions of Article 23 of the Treaty of Peace with Bulgaria, effective September 15, 1947.

Moreover, it has not been alleged or established that any of claimant's property was nationalized or otherwise taken within the meaning of Section 303(2) of the Act and the claim is therefore not compensable under that subsection.

If the claim be viewed as one based upon the failure to meet contractual obligations, the provisions of Section 303(3) of

the Act would apply. Section 303(3), the only provision of the Act authorizing the Commission to receive and determine claims based upon the failure of the Government of Bulgaria to meet contractual obligations, specifically requires, as a prerequisite to an award, that the obligation be "expressed in currency of the United States." Thus, claims based upon obligations expressed in currency other than that of the United States, such as the instant claim, are not compensable under Section 303(3) of the Act.

For the foregoing reasons, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

JAN 16 1958

FOR THE COMMISSION:



Donald G. Benn, Director
Balkan Claims Division

U.S.A.

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