

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

IN THE MATTER OF THE CLAIM OF

GERTRUDE A. SCHWARZ
c/o Coudert Brothers
488 Madison Avenue
New York 22, New York

Claim No. CZ-1,848

Decision No. CZ- 3425

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-79186-1

Counsel for Claimant:

Coudert Brothers
488 Madison Avenue
New York 22, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on May 31, 1962, a copy of which was duly served upon the claimant(s). Full consideration having been given to the objections of the claimant(s), 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 twenty days, it is

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

Dated at Washington, D. C.

AUG 15 1962

Edward J. De
Theodore Joffe
Lavon R. Dilweg
USA.

COMMISSIONERS

Cz-1

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PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by GERTRUDE A. SCHWARZ, a national of the United States since her naturalization on January 27, 1948.

The claim is based on the nationalization of a one-half interest in the partnership of "Pacholik & Jirounek" which in turn owned and operated a textile mill in Slana, Czechoslovakia.

Section 404 of the Act provides, inter alia, for the determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from nationalization or other taking on and after January 1, 1945, of property including any rights or interests therein, owned at the time by nationals of the United States.

Claimant states that she inherited a one-half interest in the partnership "Pacholik & Jirounek" from her deceased mother and father and that the subject property was nationalized without compensation by the Government of Czechoslovakia in the spring of 1948 pursuant to Law 114/48 Sb. Claimant submitted, among other things, a letter from her attorney in

Czechoslovakia dated June 8, 1949, advising her that the enterprise was nationalized in the spring of 1948.

The record further indicates that the firm, "Pacholik & Jirounek", was placed under national administration after the war. While it was so administered, the firm was nationalized under Law 114/48 Sb.

The Commission has on occasion considered many claims based upon the nationalization of property under Law 114/48 Sb., and an examination of that law reveals that it was published on April 28, 1948, but was made effective as of January 1, 1948. After a careful study of Law 114/48 Sb., the Commission concluded that claims based upon ownership interests in enterprises nationalized under Law 114/48 Sb. arose on January 1, 1948, the effective date of that law.

Apparently claimant is urging that her claim arose on April 28, 1948, the publication date of Law 114/48 Sb. On the basis of the entire record, the Commission holds that the claim herein arose on January 1, 1948, prior to the date claimant acquired nationality of the United States.

Section 405 of the Act provides as follows:

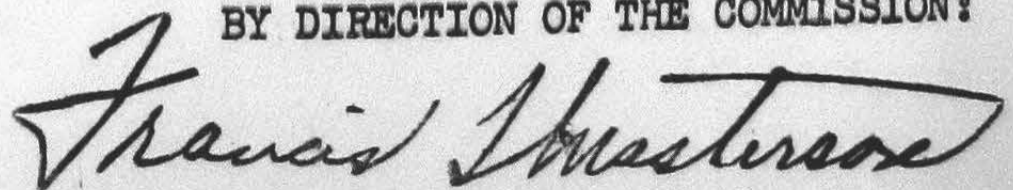
A claim under Section 404 of this title shall not be allowed unless the property upon which the claim is based was owned by a national of the United States on the date of nationalization or other taking thereof and unless the claim has been held by a national of the United States continuously thereafter until the date of filing with the Commission.

Accordingly, the Commission finds that it has not been established that the property upon which this claim is based was owned by a national of the United States on January 1, 1948 when the property herein was nationalized. The claim is, therefore, denied.

Dated at Washington, D. C.

MAY 31 1962

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson
Clerk of the Commission