

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

IN THE MATTER OF THE CLAIM OF

WALTER F. ALTSCHUL ✓
3750 Broadway ✓
New York 32, New York ✓

Claim No. CZ- 2,033 ✓

Decision No. CZ- 1607 ✓

Under the International Claims Settlement
Act of 1949, as amended

epc 16-79126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim
on November 7, 1960 ✓, a copy of which was duly served upon
the claimant(x). Full consideration having been given to the objections
of the claimant(x), 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.

FEB 27 1961

Paul Carter Pace
Thos. L. Davis

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COMMISSIONERS

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Claim No. CZ-2,033

Decision No. CZ-1607

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

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 WALTER F. ALTSCHUL, a national of the United States since naturalization in the United States on May 7, 1951, for the nationalization or other taking of certain buildings and landed estate; a glove factory; a furnished apartment and paintings; and certain life insurance policies.

Section 404 of the Act provides, inter alia, that the Commission shall determine the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the 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 asserts that his claim against the Government of Czechoslovakia arose on December 1, 1953 when his appeal for restitution of his property was denied. In support thereof, he has submitted a letter of that date from the Legal Information Office, Branch Office, Ricany, Nr. Prague, stating that his appeal "against the confiscatory decree had been refused, so that the confiscatory decree has become inappealable".

CZ-1
CZ-10

The record contains other documents bearing upon the issue of the date of taking of the property in question. One document, dated January 10, 1948, from the City Council, Capital of Prague, Division National Property Administration, recites that by a decision of December 29, 1947, it was determined that claimant's property would not be confiscated pursuant to Decree No. 108/45 inasmuch as the conditions prerequisite for such confiscation had not been complied with. Another document, dated May 19, 1948, from the same source, recites that said prerequisite conditions have been complied with; that the earlier decision "is herewith rescinded"; that claimant "is not recognized as entitled to have his property returned"; that his glove factory which had been liquidated by the Germans during World War II had been placed under national administration on January 10, 1946; and that claimant "is not recognized as entitled to have returned to him the enterprise".

It is noted that Decree No. 108/45 ordered the confiscation of property owned by Germans, Hungarians, and other persons found not to be loyal to Czechoslovakia, and provided that such confiscation should be carried out by the appropriate authorities. The Commission has determined that the date of taking of property pursuant to Decree 108/45 is the date of the decision of the local authorities ordering such confiscation.

Accordingly, the Commission holds that claimant's real property and factory were effectively taken by the Government of Czechoslovakia on May 19, 1948 when the decision of the local authorities of Prague, Czechoslovakia was issued. The Commission finds no merit in claimant's contention that his property was taken on December 1, 1953 when he was advised that his appeal for restoration had been denied. It appears to be clear that the appeal determined merely that the confiscation ordered by the decision of May 19, 1948 was in order and therefore denied claimant's appeal, thereby in effect, affirming the earlier

"confiscatory decree". The date of the denial of his appeal is immaterial inasmuch as the basis for such denial, namely, that his property had been taken pursuant to Decree No. 108/45, would have been the same irrespective of the date when such appeal was denied.

This portion of the claim, therefore, is found to be not compensable under Section 404 of the Act for the reason that it has not been established that the property in question was owned by a national of the United States on May 19, 1948, the date this portion of the claim arose.

With respect to the portion of the claim based on personal property in the apartment, claimant has submitted a letter dated March 10, 1947 in which he was informed that his property had been carried away prior to the date of the letter. Thus, it appears that this property was also taken from claimant before he became a national of the United States.

With respect to the portion of the claim based upon certain insurance policies, claimant has failed to submit evidence to establish that he suffered any loss resulting from the nationalization or other taking thereof by the Government of Czechoslovakia on or subsequent to the date that he became a national of the United States.

For the foregoing reasons, this claim is denied.

The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

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