

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

IN THE MATTER OF THE CLAIM OF

HELEN NUSBERG
6123 Vine Street
Philadelphia 39, Pennsylvania

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ - 3,459

Decision No. CZ - 162

GPO 16-72126-1

Counsel for Claimant:

MAXWELL P. GORSON
2100 Girard Trust Building
Philadelphia 2, Pennsylvania

FINAL DECISION

The Commission issued its Proposed Decision on this claim
on **February 5, 1960**, 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.

APR 4 1960

Pearl Pace
Robert L. Kunzig
Richard B. [illegible]
[illegible]
[illegible]

COMMISSIONERS

CZ-1

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GPO 942329

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PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404 of the International Claims Settlement Act of 1949, as amended, by HELEN NUSBERG, a national of the United States since her naturalization on November 10, 1955, based on the nationalization or other taking of the following property of the claimant:

- (1) Account in the Ceska Banka Union in Prague, Czechoslovakia which was opened in August 1938 in the fictitious name of Maximilian Thau, and
- (2) Bank notes in the amount of 49,170 kronen in safety deposit box No. 374 in the Ceska Banka Union in Prague, Czechoslovakia which deposit was made on January 25, 1939 in the fictitious name of Martha Thau.

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

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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.

Section 405 of the Act provides that:

"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."

The Commission has held that those accounts in banks in Czechoslovakia which were opened prior to November 1, 1945 were annulled on June 1, 1953 pursuant to Law 41/53 Sb. and that such annulment constituted a taking of these accounts by the Government of Czechoslovakia. Since it has not been established that the bank account upon which this claim is partially based was owned by a national of the United States when it was nationalized or otherwise taken by the Government of Czechoslovakia, that part of the claim must be and hereby is denied.

Evidence furnished to the Commission by the claimant shows that these bank notes were not registered according to Decree 95/1945 and they were not removed from the safety deposit box until May 19, 1950. Section 4 of Part I of Decree 91/1945 provides that paper money such as these bank notes cease to be legal media of payment as of November 1, 1945 and Section 5 provides that such certificates could be deposited in a blocked account up to and including November 15, 1945.

As these bank notes were not deposited in a bank account on or before November 15, 1945, they had no value after that date. Even if they had been confiscated after the claimant became a United States national on November 10, 1955, they would have had no value

at the time of any such confiscation; therefore, that part of the claim based upon such property must be, and hereby is, denied.

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

Dated at Washington, D. C.

FEB 5 1960

JNM
WB
[Signature]
D.B.

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission