

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

IN THE MATTER OF THE CLAIM OF

MARGARET HODERMARSKY
5445 Second Avenue
Pittsburgh 7, Pennsylvania

Claim No. CZ-3,792

Decision No. CZ- 64

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72120-1

Counsel for Claimant:

ALBERT A. FIOK
1026-1030 Frick Building
Pittsburgh 19, Pennsylvania

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 Margaret Hodermarsky, who became a national of the United States by naturalization in the United States on November 25, 1946, based upon the destruction of a building located in Dvorniky, Czechoslovakia, as a direct result of an aerial bombardment on December 24, 1944.

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 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.

It is clear from the plain meaning of the words used in the statute that Section 404 of the Act provides only for certain losses resulting from the nationalization or other taking of property on or after January 1, 1945. Thus, "any loss sustained, by whatever cause, prior to that date would clearly not be the subject of a valid claim under Title IV".^{1/}

It is equally clear that even if the loss complained of had occurred on or after January 1, 1945 it would still be not compensable under Section 404 of the Act. As stated by one of the Committees which favorably reported^{2/} on S. 3557, the bill enacted as Title IV of the Act, "the insertion [January 1, 1945] however, does not mean, on the other hand, that losses occurring thereafter are automatically included. The intention is still to limit the beneficial effects of this legislation to losses which are the result of nationalization or similar policies of the postwar Government of Czechoslovakia."

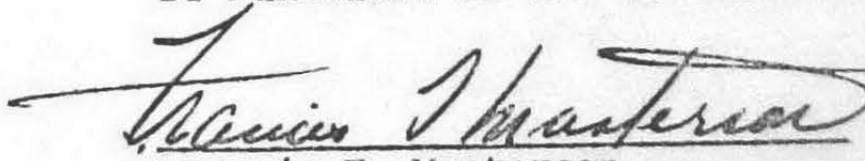
The Commission finds that it has not been established that the loss in question resulted from the nationalization or other taking of property by the Government of Czechoslovakia, or that this loss occurred on or after January 1, 1945. Accordingly, this claim is denied.

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

Dated at Washington, D. C.

JAN 6 1950

BY DIRECTION OF THE COMMISSION:


Francis T. Masterson
Clerk of the Commission

^{1/} House Report No. 2227, 85th Congress, 2d Session, p.6, on S.3557, the bill which upon enactment created Title IV of the Act including, among others, Section 404.

^{2/} Senate Report No. 1794, 85th Congress, 2d Session, p.5.