

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

IN THE MATTER OF THE CLAIM OF

JOHN COMBA
2099 Lark Street
Lakewood 7, Ohio

Claim No. CZ-3,948

Decision No. CZ-607

Under the International Claims Settlement
Act of 1949, as amended

GPO 9 423 29

Counsel for Claimant:

Joseph Bystricky, Esq.
3647 Fulton Road
Cleveland 9, Ohio

FINAL DECISION

The Commission issued its Proposed Decision on this claim on May 2, 1960, a copy of which was duly served upon the claimant.

Full consideration having been given to the objections of the claimant, and to the evidence and oral arguments presented at the hearing on June 16, 1960, it is

ORDERED that the findings set forth in the Proposed Decision be restated as follows:

The record shows that JOHN COMBA became a national of the United States by birth in the United States on January 11, 1919.

The Commission finds that claimant owned a threshing machine with accessories which was taken without compensation by the Government of Czechoslovakia during 1951. There is no evidence of record which enables the Commission to determine, with any degree of accuracy, its value at the time of taking by the Government of Czechoslovakia. Nevertheless, the Commission, not being bound by the usual rules of evidence, is persuaded that this

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threshing machine with accessories had some value and that claimant suffered a loss as a result of such taking. Denial of this claim for lack of corroboration of claimant's allegations as to value would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of such corroboration as to value precludes an award for the full amount claimed. Thus, in the light of the foregoing, the Commission finds that the value of the property taken was Seven Hundred Dollars (\$700.00) and concludes that claimant is entitled to an award under Section 404 of the Act in the above amount.

A W A R D

Pursuant to the provisions of Title IV of the International Claims Settlement Act of 1949, as amended, an award is hereby made to JOHN COMBA in the amount of Seven Hundred Dollars (\$700.00) plus interest thereon at the rate of 6% per annum from August 8, 1951 to August 8, 1958, the effective date of Title IV of the Act, in the amount of Two Hundred Ninety-four Dollars (\$294.00), for a total award of Nine Hundred Ninety-four Dollars (\$994.00).

General notice of the Proposed Decision having been given by posting for twenty days, it is

ORDERED that the Proposed Decision, as amended herein, be and is hereby entered as the Final Decision on this claim; and it is further

ORDERED that the award granted herein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

JUN 30 1960

Pearl Pace USA.
Robert L. King
Shelby Davis

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

JOHN COMBA
2099 Lark Street
Lakewood 7, Ohio

Claim No. CZ-3948

Decision No. CZ- 607

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

Joseph Bystricky, Esq.
3647 Fulton Road
Cleveland 9, Ohio

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 JOHN COMBA, for the nationalization or other taking of a threshing machine in Torysky, Czechoslovakia.

Section 404 of the Act authorizes the Commission to receive and determine 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 has failed to submit evidence sufficient to form the basis for findings by the Commission of facts essential to an award under Section 404 of the Act.

Section 531.6(d) of the Commission's regulations (43 CFR Supplement 290) provides that --

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim.

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Claimant herein has not established that he owned an interest in the property in question, or, if he did own an interest in such property, that it was nationalized or otherwise taken by the Government of Czechoslovakia on or after January 1, 1945. Accordingly, the claim is hereby denied.

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

Dated at Washington, D. C.

0961 2 1AW
MAY 2 1960

BY DIRECTION OF THE COMMISSION:



Francis T. Masterson
Clerk of the Commission

USA.



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