

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

IN THE MATTER OF THE CLAIM OF

SOPHIA SKVARCEK
54 New Almond Street
Vineland, New Jersey

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-4,644

Decision No. CZ- 166

GPO 942329

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 SOPHIA SKVARCEK, who claims to have been a national of the United States since her husband's naturalization on February 17, 1941. The claim is based on the nationalization or other taking of claimant's account in the Slovenska Tatra Banka in Liptovsky Svaty Mikulas, 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 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 claimant has informed the Commission that in May 1905 she married Andrew Skvarcek; that on November 14, 1938 she and her husband opened an account in their names in the Liptovska Uverna Bank which was transferred to the Slovenska Tatra Banka; that her husband became a naturalized citizen of the United States on February 17, 1941, which action conferred such citizenship upon her; that Andrew Skvarcek died on January 23, 1947 and that, thereafter, she had sole title to the said account.

The claimant is of the opinion that the naturalization of her husband on February 17, 1941 automatically conferred United States nationality upon her. Section 311 of the Nationality Act of 1940, however, outlines a procedure for naturalization of persons whose spouses are naturalized after January 13, 1941. Nothing of record indicates that there was compliance by claimant with the formalities in question in order to reacquire the United States citizenship which she lost as a result of her marriage to an alien prior to September 22, 1922. Accordingly, the Commission is constrained to find that claimant has not established that she reacquired citizenship of the United States subsequent to her loss thereof.

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 by the Government of Czechoslovakia of such accounts.

Since it has not been established that the property upon which this claim is based was owned by a national of the United States when it was nationalized or otherwise taken by the Government of Czechoslovakia, the claim 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

HVM
W.S.
[Signature]
1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON MAR 7 1960

Francis T. Masterson
Clerk of the Commission