

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

IN THE MATTER OF THE CLAIM OF

CONSTANTINE HALKIDES
149 Jefferson Avenue, S. E.
Grand Rapids, Michigan

Claim No. HUNG-20,705

Decision No. HUNG-1294

Against the Government of Hungary
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Counsel for Claimant:

Henry and Knorr
McKay Tower
Grand Rapids, Michigan

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 30, 1958, a copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on the claim, and it is further

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

Dated at Washington, D. C.

OCT 29 1958

Pearl Carter Pace
Robert L. Kunzig
COMMISSIONERS
USA.
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FOREIGN CLAIMS SETTLEMENT COMMISSION
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IN THE MATTER OF THE CLAIM OF

CONSTANTINE HALKIDES
1149 Jefferson Avenue, S. E.
Grand Rapids, Michigan

Claim No. HUNG-20,705

Decision No. HUNG-1294

Against the Government of Hungary
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GPO 16-72126-1

Counsel for Claimant:

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Grand Rapids, Michigan

PROPOSED DECISION

This is a claim under Section 303(1) of the International Claims Settlement Act of 1949, as amended, for \$21,233.00 by CONSTANTINE HALKIDES, a national of the United States since his naturalization in the United States on August 20, 1918, for loss of property and loss of profits in Hungary during World War II.

The Commission finds that the claimant owned 104 bales of paper napkins and farm machinery which was lost or destroyed as a result of World War II and for which loss no compensation has been paid by the Government of Hungary. The Commission further finds that the loss or damage actually sustained amounted to Four Thousand Dollars (\$4,000.00), and concludes that claimant is entitled to an award in the amount of Two Thousand Six Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$2,666.67) under Section 303(1) of the Act, since under this Section awards are limited to two-thirds of the loss or damage actually sustained.

Turning to those portions of this claim based upon loss of anticipated profit from the sale of paper napkins and the threshing machine, and the loss of use of a rented summer villa; Section 303(1)

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directs the determination of claims arising out of the failure of the Government of Hungary, among others, to restore or pay compensation for property of nationals of the United States as required by articles 26 and 27 of the treaty of peace with Hungary. The referenced sections of the Hungarian treaty contain no specific reference regarding loss of use of property, loss of profits and the like but generally restrict claims to those for failure to restore property or for injury or damage to property as a result of the war. Generally, international and domestic arbitral tribunals in the determination of claims allow compensation for indirect damages such as loss of profits, etc. only if such losses are reasonably certain and are ascertainable with a fair degree of accuracy. They do not allow compensation for indirect damages if they are conjectural or speculative, or not reasonably certain or susceptible of accurate determination. The Commission is of the opinion that it has not been established that it was reasonably certain that the profits expected, or any profits, would have been realized by the claimant. For this reason and since the referenced sections of the Peace Treaty do not appear to encompass claims of this nature those portions of this claim based upon anticipated profits and loss of use are denied.

As to that part of this claim based upon loss or destruction of kitchen equipment and personal belongings, claimant has failed to submit sufficient evidence as to the identity and ownership of the items upon which the Commission could base a decision.

A W A R D

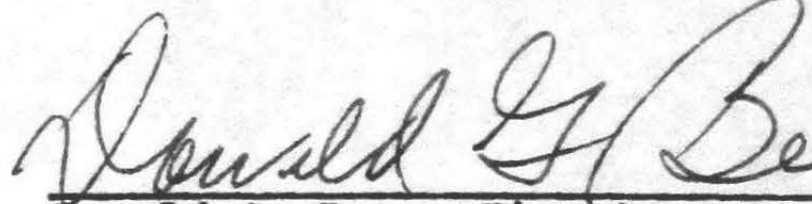
Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, the claim is allowed in part, and an award is hereby made to CONSTANTINE HALKIDES in the amount of Two Thousand Six Hundred Sixty-Six Dollars and Sixty-Seven Cents (\$2,666.67).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States on his behalf, of any rights against the Government of Hungary, for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

JUL 30 1958

FOR THE COMMISSION:

 *mjd*
mss

Donald G. Benn, Director
Balkan Claims Division