

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

IN THE MATTER OF THE CLAIM OF

OLGA MARIA KLUG HARASZTI
c/o Clara Ernster
67 Riverside Drive
Apartment 4-C
New York 22, New York

Claim No. HUNG-20,711

Decision No. HUNG-530

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

GPO 16-72126-1

Counsel for Claimant

Zoltan Neumark, Esquire
140 Nassau Street
New York 38, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 24, 1957, a certified copy of which was duly served upon the claimant.

Full consideration having been given to the objections of claimant and to the evidence and arguments presented at the hearing held on January 16, 1958, and evidence submitted thereafter, 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 this claim.

Dated at Washington, D. C.

APR 2 1958

Whitney Hilliland

Pearl Pace

Henry S. Clay

COMMISSIONERS

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

OLGA MARIA KLUG HARASZTI
Hegedus Gyula Ucca 22
Budapest XIII, Hungary
% of United States Legation,
Budapest, Hungary

Claim No. HUNG-20,711

Decision No. *7 Hung. 530*

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

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PROPOSED DECISION

This is a claim under the provisions of Section 303(3) of the International Claims Settlement Act of 1949, as amended, against the Government of Hungary by OLGA MARIA KLUG HARASZTI, for the value of property allegedly taken from her between May and November, 1944.

Section 303 of the Act provides in pertinent part as follows:

The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims of nationals of the United States against the Governments of Bulgaria, Hungary, and Rumania, or any of them, arising out of the failure to--

(1) restore or pay compensation for property of nationals of the United States as required by article 23 of the treaty of peace with Bulgaria, articles 26 and 27 of the treaty of peace with Hungary, and articles 24 and 25 of the treaty of peace with Rumania.

Article 26 of the treaty of peace with Hungary provides that Hungary shall restore all legal rights and interests and return all property in Hungary of the United Nations and their nationals, or where property cannot be returned or has been damaged as a result of war, shall pay compensation therefor. Article 27 requires the restoration of, or compensation for, property which was the subject of measures of sequestration, confiscation or control on account of racial origin or religion of persons under Hungarian jurisdiction. United Nations nationals are defined in article 26 as including individuals who are nationals of any of the United Nations and have been such since the

date of the armistice with Hungary, and also all individuals who were "treated as enemy" under the laws in force in Hungary during the war.

Thus, the Commission finds that in order for a claim to be compensated under Section 303(1) of the International Claims Settlement Act there must be a claim compensable under a referenced article of the treaty, a failure by the foreign government to make compensation, and a fulfillment of the eligibility requirements of the Act itself. The Commission finds that as to nationality, in the case of a claim against Hungary under Section 303(1) of the Act, these requirements are that the claimant be a United States national, and that on January 20, 1945, the date of the armistice with Hungary, the claim have been owned by a United States national.^{1/}

According to the record, claimant, Olga Maria Klug, married Janos Brunner, an Hungarian subject, in Hungary on May 17, 1922. The Nationality Act of March 2, 1907 (34 Stat 1228; 8 USC 17) provided in Section 3 that any American woman who married a foreigner would take the nationality of her husband and at the end of the marital relation could resume American citizenship; if abroad, by registering within one year, or by returning to reside in the United States, or if in the United States, by continuing to reside therein.

Claimant was divorced from Janos Brunner on September 20, 1933. On October 3, 1951, she was permitted by the United States Vice Consul at Budapest, Hungary, to take the oath of allegiance, under the provisions of the Nationality Act of October 14, 1940, effective January 13, 1941 (54 Stat 1137; 8 USC 907).

This latter enactment of October 14, 1940 provided that a woman who had lost her citizenship by a marriage which terminated should,

^{1/} In the Matter of the Claim of Margot Factor, Claim No. RUM-30,214 (Decision RUM-30) (1957)

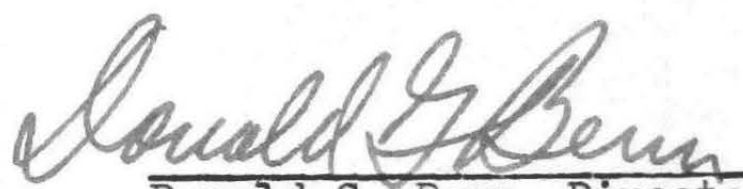
if no other nationality was acquired by affirmative act other than marriage, "from and after taking the oath of allegiance" prescribed by the Act be deemed a citizen. It is clear that under the Nationality Act of October 14, 1940, citizenship may, under certain conditions, be restored, but only "from and after the taking of the oath of allegiance." Mrs. Haraszti's first marriage had terminated when she took the oath of allegiance on October 3, 1951. Her second marriage, on October 7, 1933, did not effect her citizenship status.^{2/} Thus, it appears that Mrs. Haraszti may have resumed United States citizenship not earlier than October 3, 1951.

Accordingly, this claim is denied for the reason that it has not been established that it was owned by a United States national on January 20, 1945, the date of the Armistice with Hungary, as required as a condition for compensation. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

JUL 24 1957

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

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^{2/} Act of September 22, 1922 (42 Stat 1021, 8 USC 367)