

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

Washington 25, D. C.

In the Matter of the Claim of

JOSEPH BENGHA (Senior)
41 Louis Street
Carteret, New Jersey

MARTA BENGHA
724 Lee Street
Perth Amboy, New Jersey

MARTHA SCHWAB
Rock Tavern
Orange County, New York

JOSEPH BENGHA (Junior)
United States Army
Building 604-R-2
Aschaffenburg, Germany

IRENE M. MACK
6 Weyant Terrace
Highland Falls, New York

JOHN BENGHA
Apagy, Szabolcs Megye, Hungary

ELIZABETH BALINT
2 Longview Road
Old Bridge, New Jersey

MARIA SZIGETI
41 Louis Street
Carteret, New Jersey

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

Claim No. HUNG-20,782

Decision No. HUNG-1135-(A)

Counsel for Claimants:

Robert Louis Brown, Esquire
46 Roosevelt Avenue
Carteret, New Jersey

FINAL DECISION

The Commission issued its Amended Proposed Decision on this claim on March 23, 1959, a copy of which was duly served upon the claimants. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Amended Proposed

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Decision having been given by posting for thirty days, it is

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

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

Dated at Washington, D. C.

MAY 11 1959

Whitney Hilliland
Leah Pace
Robert L. Kunzig

COMMISSIONERS

A.H.B.
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WB
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OF THE UNITED STATES
Washington 25, D. C.

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Perth Amboy, New Jersey	:	
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Rock Tavern	:	
Orange County, New York	:	
JOSEPH BENGA (Junior)	:	Claim No. HUNG-20,782
United States Army	:	
Building 604-R-2	:	
Aschaffenburg, Germany	:	Decision No. HUNG-1135 (A)
IRENE M. MACK	:	
6 Weyant Terrace	:	
Highland Falls, New York	:	
JOHN BENGA	:	
Apagy, Szabolcs Megye, Hungary	:	
ELIZABETH BALINT	:	
2 Longview Road	:	
Old Bridge, New Jersey	:	
MARIA SZIGETI	:	
41 Louis Street	:	
Carteret, New Jersey	:	
Under the International Claims Settlement	:	
Act of 1949, as amended	:	

Counsel for Claimants:

Robert Louis Brown, Esquire
46 Roosevelt Avenue
Carteret, New Jersey

AMENDED PROPOSED DECISION

This is a claim against the Government of Hungary originally filed by JOSEPH BENGA, (Senior), a citizen of the United States since the date of his naturalization on June 7, 1954, under Section 303(2) of the International Claims Settlement Act of 1949, as amended, for the taking of property in Hungary.

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By Proposed Decision HUNG-1135, dated May 21, 1958, the claim was denied for the reason that it had not been established that the claim was owned by a United States national at the time it arose.

On the basis of additional evidence received, the Commission now finds that a portion of the property involved in the claim, consisting of 11 hold 154 ol of farmland and pasture land, recorded in liber No. 430 of Petnehaza, Hungary, as lots 661/1, 658/1, 659/1, and 660/1, and of the value of Two Thousand Seven Hundred Dollars (\$2,700.00), was taken by the Government of Hungary without compensation to the owners pursuant to Law Decree 1949:3 tvr., on or about October 9, 1950. The Commission further finds that at the time of such taking, the property was owned as follows: one-half by MARTA BENGÁ, the wife of JOSEPH BENGÁ (Senior), and allegedly a citizen of the United States since the date of her naturalization on June 4, 1956, and one-half in equal shares by the six children of JOSEPH BENGÁ (Senior), namely, MARTHA SCHWAB, JOSEPH BENGÁ (Junior), IRENE M. MACK, JOHN BENGÁ, ELIZABETH BALINT, and MARIA SZIGETI. Except for MARIA SZIGETI, the above-named children have been nationals of the United States since the dates of their birth in the United States on December 10, 1918, March 28, 1921, February 4, 1923, August 18, 1924, and December 17, 1926, respectively.

The Commission finds that the record fails to establish that JOSEPH BENGÁ, (Senior), owned any part of the property in question at the time of loss. Therefore, his claim for compensation is hereby denied.

Under well-established principles of international law, in order for a claim espoused by the United States to be compensable, the property upon which it is based must have been owned by a United States national at the time the loss occurred, and the claim arising as a result of such loss must have been owned continuously thereafter by a United States national.

The record discloses that MARTA BENGÁ claims United States nationality since June 4, 1956, a date subsequent to the taking of the property. The

Commission finds that it has not been established that she was a United States national at the time the claim arose. Therefore, her claim is hereby denied.

The Commission further finds that MARIA SZIGETI, a United States national at the time of her birth in the United States on March 11, 1916, expatriated herself under the provisions of Section 401(e) Chapter IV of the Naturalization Act of 1940, prior to the filing of the claim herein. Accordingly, her claim is hereby denied, because of lack of continuous ownership by a United States national since it arose.

The Commission concludes that each of the remaining five children of JOSEPH BENGGA, (Senior) is entitled to an award under Section 303(2) of the Act in an amount equal to one-twelfth of the value of the property taken.

The portion of the claim which is based upon property other than that described above, is denied for the reason that the record fails to establish the ownership, value, or loss of such other property.

A W A R D S

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, this claim is allowed in part, and an award is hereby made to MARTHA SCHWAB in the amount of Two Hundred Twenty-Five Dollars (\$225.00) plus interest thereon at the rate of 6% per annum from October 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Sixty-Five Dollars and Twenty-Five Cents (\$65.25);

and an award is hereby made to JOSEPH BENGGA (Junior) in the amount of Two Hundred Twenty-Five Dollars (\$225.00) plus interest thereon at the rate of 6% per annum from October 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Sixty-Five Dollars and Twenty-Five Cents (\$65.25);

and an award is hereby made to IRENE M. MACK in the amount of Two Hundred Twenty-Five Dollars (\$225.00) plus interest thereon at the rate of 6% per annum from October 9, 1950 to August 9, 1955, the effective date of

the Act, in the amount of Sixty-Five Dollars and Twenty-Five Cents (\$65.25);

and an award is hereby made to JOHN BENGA in the amount of Two Hundred Twenty-Five Dollars (\$225.00) plus interest thereon at the rate of 6% per annum from October 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Sixty-Five Dollars and Twenty-Five Cents (\$65.25);

and an award is hereby made to ELIZABETH BALINT in the amount of Two Hundred Twenty-Five Dollars (\$225.00) plus interest thereon at the rate of 6% per annum from October 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Sixty-Five Dollars and Twenty-Five Cents (\$65.25).

Payment of any part of these awards shall not be construed to have divested claimants herein or the Government of the United States, on their behalf, of any rights against the Government of Hungary for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

MAR 23 1959

FOR THE COMMISSION:

William Barrett
William Barrett, Acting Director
Balkan Claims Division

Comd.

mgs

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

IN THE MATTER OF THE CLAIM OF

JOSEPH BENG
RD 1, Box 265
Pittstown, New Jersey

Claim No. HUNG-20,782

Decision No. HUNG- 1135

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

PROPOSED DECISION

This is a claim against the Government of Hungary under Section 303(2) of the International Claims Settlement Act of 1949, as amended. According to claimant's statement, certain property forming the basis of the claim was nationalized, or otherwise taken from the claimant by the Government of Hungary in 1949 or 1950. Claimant became a national of the United States by naturalization on June 7, 1954.

Section 303(2) of the Act provides, inter alia, for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Hungary, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Hungary.

In order for a claim to be compensable under Section 303(2) of the Act, in accordance with well established principles of international law, the property upon which the claim is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which arose from such loss must have been owned by a United States national or nationals continuously thereafter.

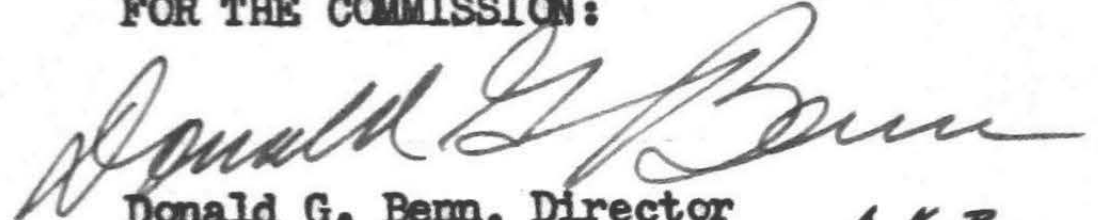
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The Commission finds that it has not been established that the claim was owned by a United States national at the time that it arose. Accordingly, the claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

MAY 21 1958

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

A.K.B.

