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

IN THE MATTER OF THE CLAIM OF

LUKA MARKO MIKOVICH  
1027 Plumas Street  
Reno, Nevada

Claim No. IT-10,677

Decision No. IT-66-2

Under the International Claims Settlement  
Act of 1949, as amended

GPO 942329

Attorney for Claimant:

ELI GRUBIC, Esquire  
Grubic, Drendell & Bradley  
Medico Dental Building  
130 North Virginia Street  
Reno, Nevada

FINAL DECISION

The Commission issued its Proposed Decision on this claim on June 15, 1959, a certified copy of which was duly served upon the claimant. 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 this claim, and it is further

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

Washington 25, D. C.

JUL 17 1959

*Whitney Hilliland*  
*Paul Pace*  
*Robert L. Kunzig*

COMMISSIONERS

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PROPOSED DECISION

This timely filed claim for \$12,000.00 is before the Commission by virtue of an amendment to Section 304 of the International Claims Settlement Act of 1949, as amended, pursuant to Section 2, Public Law 85-604.

The claim is deemed eligible for consideration for reasons set forth in the decision issued with respect to the claim of Petes Allen, also known as Panagiotis Fotopoulos (Claim No. IT-10,640, Decision No. IT-81-2), a copy of which is attached.

The records disclose that the claimant, Luka Marko Mikovich, is a citizen of the United States since his naturalization on February 10, 1954.

A portion of the instant claim is based on the proceeds of an alleged note payable to claimant by two individuals, which note is alleged to have been lost or destroyed as a result of Italian military action during World War II.

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Claimant has failed to establish his ownership of the note in question and the loss as asserted. Assuming, arguendo, that the facts were as asserted, it appears that the note was evidence of an agreement which must be interpreted as a contract between private individuals and that the loss or destruction of the note did not affect, per se, the contractual relationship between them.

It is a well established principle of international law that, insofar as private contracts are concerned, international responsibility does not arise until there has been a denial of justice by the authorities or courts, in which redress was sought. Claimant herein has neither claimed nor established a denial of justice by the Government of Italy such as would give rise to international responsibility of the said government for claimant's alleged losses resulting from a private contractual relationship.

In view of the foregoing, it is determined that claimant has failed to establish that portion of the claim based on the loss or destruction of the asserted note in question, and the same must be and is hereby denied.

The records further disclose that the claimant was the owner of certain personal property and a dwelling located at Celobrdo, Yugoslavia, and that the said property was lost, damaged or destroyed as a result of Italian action which occurred on or about July 16, 1941.

Claimant's damages are determined to be \$6,200.00.

#### A W A R D

It is therefore ORDERED that said claim be and the same is hereby allowed and an award made to the claimant in the sum of \$6,200.00, together with interest in the amount of \$2,517.20, being 6 percent per annum from July 16, 1941 to April 23, 1948, the date of payment by the

FOREIGN CLAIMS SETTLEMENT COMMISSION  
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Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947, PROVIDED that no payment shall be made with respect to this award until payment in full, from the Italian Claims Fund created pursuant to Section 302, of the principal amounts (without interest) of all awards upon claims determined under the original provisions of Section 304.

Dated at Washington, D. C.

JUN 15 1959

FOR THE COMMISSION:

  
J. Noble Richards