

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

IN THE MATTER OF THE CLAIM OF

ADOLPH BERNHARD PALOS
16616 Hawthorne Boulevard
Lawndale, California

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

Claim No. RUM-30,021

Decision No. RUM-455

GPO 16-72128-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 2, 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 this claim.

Dated at Washington, D. C.

AUG 27 1958

Whitney Gilliland

Paul Carter Pace

COMMISSIONERS

gl
mfd.
ssb.
mgl

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

IN THE MATTER OF THE CLAIM OF

ADOLPH BERNHARD PALOS
16616 Hawthorne Boulevard
Lawndale, California

Claim No. RUM-30,021

Decision No. RUM-455

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

PROPOSED DECISION

This is a claim against the Government of Rumania under Section 303 of the International Claims Settlement Act of 1949, as amended, by ADOLPH BERNHARD PALOS, a citizen of the United States since his birth in the United States on July 29, 1896, based upon an insurance policy issued by "Britania" Anglo-Rumanian Insurance Company of Bucharest, Rumania.

Claimant states that on May 11, 1928, there was issued to him as the insured, an insurance policy in the amount of \$2,000 by "Britania" Anglo-Rumanian Insurance Company of Bucharest, Rumania; and that this policy has been paid by the Company except for a balance of \$110.00 due on May 1, 1948.

Section 303 of the Act provides, inter alia, that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amount of claims of nationals of the United States against the Government of Rumania for failure (1) to restore or pay compensation for property of nationals of the United States as required by Articles 24 and 25 of the Treaty of Peace with Rumania; (2) to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of property of

5/17

H-12
B-2

nationals of the United States in Rumania, and (3) to meet certain obligations expressed in currency of the United States.

The Commission finds that the facts as alleged herein do not give rise to a compensable claim under the provisions of Section 303 of the Act.

It is clear that the claim herein does not lie under Section 303(1) of the Act, since it involves no failure on the part of the Government of Rumania to carry out the provisions of Articles 24 and 25 of the Treaty of Peace, effective September 15, 1947.

When considered under Section 303(2) of the Act, the claim is likewise found to be not compensable. While laws providing for the nationalization of certain types of property may have affected the assets of the insurance company in question, such assets, however, were not the property of the claimant and a taking thereof, if any occurred, by the Rumanian Government may not be deemed to be a taking of claimant's property, or interest. Thus, this claim does not come within the purview of Section 303(2) of the Act.

If the claim be viewed as one based upon the failure to meet contractual obligations, the provisions of Section 303(3) of the Act would apply. Section 303(3) of the Act provides for the receipt and determination of claims against the Government of Rumania for its failure to--

meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to . . . , September 1, 1939 in the case of Rumania . . . , and which became payable prior to September 15, 1947.

In order to support an award under Section 303(3) of the Act in a claim against the Government of Rumania, it must be shown, among other things, that the obligation in question was one of the Rumanian Government prior to September 1, 1939 and not one which may have been assumed at some later date. No such showing has been made in this claim.

For the foregoing reasons, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

JUL 2 - 1958

FOR THE COMMISSION:

Donald G. Benn

Donald G. Benn, Director
Balkan Claims Division

USA.
WP
mgd