

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

KEVORK AVEDISSIAN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. BUL-2-011

Decision No. BUL-2-1

PROPOSED DECISION

This claim, for \$3,000.00, against the Government of Bulgaria under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of certain improved real property in Varna, Bulgaria. The claimant, KEVORK AVEDISSIAN, states that he has been a national of the United States since his naturalization on June 5, 1964.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Bulgarian Claims Agreement of 1963 (Agreement Between the Government of the United States of America and the Government of the People's Republic of Bulgaria Regarding Claims of United States Nationals and Related Financial Matters, July 2, 1963, 14 UST 969; TIAS 5387 (1963)).

The jurisdiction of the Commission is set forth in Section 303(4) of the Act, supra, which authorized the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity

the amounts of claims of nationals of the United States against the Government of Bulgaria arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955 and July 2, 1963, the effective date of the Bulgarian Claims Agreement.

It is clear, therefore, that this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Bulgarian Claims Agreement of 1963 but rather, provides for a limited class only, namely, those which arose between August 9, 1955 and July 2, 1963, as a result of the nationalization, compulsory liquidation, or other taking of property.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955 were provided for pursuant to subsections (1), (2) and (3) of Section 303 of the Act, supra. That program was completed on August 9, 1959 pursuant to an express statutory mandate.

Additionally, under well established principles of international law, in order for a claim to be compensable, the property upon which the claim is based must have been owned by a national of the United States on the date that it was taken and the claim which arose from such taking must have been continuously owned thereafter by a United States national until its filing with the Commission.

This is also clear from Article I(2) of the Bulgarian Claims Agreement of 1963 which provides that the term "claims of nationals of the United States of America" as used in subparagraph (b), which relates to claims for the nationalization, compulsory liquidation, or other taking of property, refers to claims which were owned by nationals of the United States of America "on the effective date of nationalization, compulsory liquidation, or other taking and continuously thereafter until filed with the Government of the United States of America".

It is stated by the claimant that he acquired the subject property in 1941. He further states that he became a national of the United States by naturalization on June 5, 1964.

In view of such statements, the Commission concludes that it has no jurisdiction to grant compensation in this claim because the subject property was not owned by a national of the United States between August 9, 1955, and July 2, 1963, the period during which a taking of the property must have occurred to be covered by the Act.

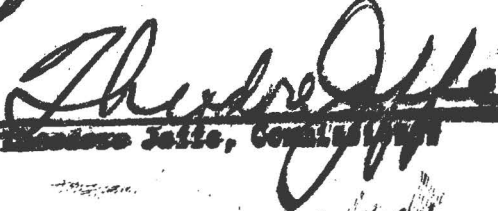
In view of the foregoing, the claim must be and it is hereby denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.  
and entered as the Proposed  
Decision of the Commission

SEP 9 1970

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended.)

CERTIFICATION

This is a true and correct copy of the decision BUL-2-011  
of the Commission which was entered as the final  
decision on 13 OCT 1970

  
Clerk of the Commission