

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

In the Matter of the Claim of	}	
	}	
	}	
	}	
WILLIAM THOMAS	}	Claim No. ALB-355
	}	
	}	Decision No. ALB-337
	}	
Against the Government of Albania	}	
	}	

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in the villages of Shamoll and Malavec in Korçë, Albania.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render a final decision with respect to any claim of . . . any national of the United States . . . included within the terms of any claims agreement concluded on or after March 10, 1954, between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof

22 U.S.C. § 1623(a)(1)(B) (2018).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, Mar. 10, 1995, T.I.A.S. No. 12,611 (entered into force Apr. 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, and other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

Claimant asserts that his father, a naturalized United States citizen, owned personal and real property in Korçë that was confiscated by the Albanian government in 1945. Claimant states that the confiscated property included 1,000 hectares of land in Shamoll and Malavec. By letter dated January 6, 2023, Claimant was asked to submit proof of his father's ownership of the property and evidence to support his claims about its size, location, and nature. To date, Claimant has not provided any evidence beyond his own statements that his father owned hundreds of hectares of land at unspecified locations in Malavec and Shamoll.

The record also includes the Commission's decision in a claim filed by Claimant's father in the General War Claims program for the destruction of real and personal property in Shamoll, Korçë during World War II. *Claim of SPEROS THOMAS*, Claim No. W-13637, Decision No. W-17,014. This decision does not, however, provide support for Claimant's assertions in this claim. The Commission denied Claimant's father's claim for the loss of personal property for lack of sufficient evidence, and while it awarded his father compensation for damage sustained to a home, depot, and stable in Shamoll, the size and precise location of the property are not described in the decision or in the administrative record of the claim. The decision is thus not sufficient to establish, as Claimant alleges here, that his father held hundreds of hectares of land in Shamoll and Malavec.¹

¹ The insufficiency of Claimant's evidence also makes it difficult, if not impossible, for the Commission to ascertain whether the land in question has already been the subject of restitution and compensation procedures under Albanian law, and thereby avoid a potential double recovery in this claim. *See* Settlement Agreement, Agreed Minute ("Recognizing that Albania is

Section 509.5(b) of the Commission's regulations provides: The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

45 C.F.R. § 509.5(b)(2022).

The Commission finds that Claimant has not met his burden of proof to establish ownership, size, and location of the property that is the subject of this claim. In the absence of such evidence, the Commission must conclude that Claimant's claim is not compensable under the terms of the Settlement Agreement. Accordingly, the claim must be and is hereby denied.

Dated at Washington, DC, December 1, 2023,
and entered as the Proposed Decision of the
Commission.

Sylvia Becker, Commissioner

Patrick Hovakimian, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this 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 Regulations, 45 C.F.R. § 509.5 (e), (g) (2022).

administering a domestic program for compensation and restitution of certain properties, the United States and Albania agreed to exchange information concerning the claims brought under the Albanian program by United States nationals covered by the agreement, as well as information concerning any compensation or restitution provided, in order to assist in avoiding double recovery by claimants.”).