

of evidence, the Commission denied the portions of her claim for property owned by her husband consisting of a house, land surrounding the house and a barn.¹

By letter dated February 21, 1997, claimant objected to the Proposed Decision. With regard to the claim for her husband's house and surrounding land which was denied by the Commission, claimant states that she does not wish to receive compensation for the house and the surrounding land but rather wishes to have the property returned to her.² With regard to the claim for the barn owned by her husband, which was denied by the Commission, she states that the barn was destroyed in order to use the land for farming and has submitted evidence of the size of the barn.

With regard to the property owned by her father, claimant objects to the Commission's award of compensation for only a two-fifths interest in the claim for that property, and has submitted additional assignments of interest from her siblings. Finally, claimant states that since she has not yet received compensation

¹The Commission denied the claim for the barn and for the land surrounding the house because there was no evidence of confiscation and the claim for the house was denied because claimant had alternately stated that the house has been returned to her but that she has not yet received the deed, or that she would not accept compensation for the house and land but rather seeks its restitution.

²The Commission has previously advised the claimant that it lacks the power to order the Albanian government to return any property to her.

from the Albanian government for the 278-square-meter building lot owned by her father and uncle, she wishes to renounce any claim thereto in Albania and wishes to proceed with the claim for compensation before the Commission.³

Because claimant has not requested an oral hearing, the Commission issues this Final Decision in a hearing on the record, based on its de novo review of the evidence submitted in support of the claim.

1. Claim for Property Owned by Evans J. Liolin - Based on its review of the record as supplemented, the Commission finds that claimant's late husband, Evans J. Liolin, was the owner of a barn located in the village of Boboshtice, District of Korce, measuring approximately 300 square feet. Although claimant has provided no specific evidence of the date and circumstances of the destruction of the barn and the confiscation of the underlying land, the Commission is aware that, on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law," which provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal

³This portion of the claim was denied because there was no evidence that claimant had taken any steps to renounce the Albanian Commission's offer of compensation in the claim for the property that claimant had submitted in Albania.

owner. Land Reform Law No. 108, GZ 1945, No. 39. That law was affirmed by the 1946 Albanian constitution, which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on claimant's statements and the entirety of the record, the Commission determines that implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving claimant's late husband of his property, thus constituting an uncompensated expropriation by the Government of Albania. In the absence of a more precise date, the Commission will deem the confiscation to have occurred as of August 29, 1945.

The claimant has not asserted a value for the barn and its underlying land. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, together with the evidence before it in this case, the Commission finds that the barn and the underlying land located in the village of Boboshtice, District of Korce, had a value at the time of expropriation of \$1,000 at the time of destruction and confiscation.

2. Claim for Property Owned by Vasil and Kosta Peter - In the Decision, the Commission denied claimant's claim for a 278-square-meter building lot because

it appeared that the Commission for the Restitution of Properties and Compensation of Former Owners of Korce had agreed to compensate the claimant and her brother "with Government bonds (obligations)". As stated above, in her objection letter of February 21, 1997, claimant has informed the Commission she does not wish to pursue this claim in Albania and intends to renounce any compensation from the Albanian government for it.

Evidence in the record suggests that in 1945, the Albanian government gave this plot of land to another family who built a house on the property, even though it was owned by claimant's father and uncle. Based on claimant's statements and the entirety of the record, and in light of claimant's intention to renounce the Albanian government's compensation for the property, the Commission finds claimant entitled to compensation for the loss of this land.

The claimant has not asserted a value for the building lot. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, together with the evidence before it in this case, the Commission finds that the 278-square-meter building lot located in the village of Boboshtice, District of Korce, had a value at the time of expropriation of \$2,000.

As previously mentioned, this property was jointly owned by claimant's father Vasil Peter, and claimant's uncle, Kosta Peter. After Kosta Peter's death,

claimant's father inherited one-half of Kosta Peter's interest in the property. Accordingly, claimant's father owned a three-quarter interest in this property.

Finally, the Commission notes that the claimant's father, a widower, who died in Massachusetts on November 20, 1984, left the claimant and her five siblings as the beneficiaries of his estate under his will.⁴ As indicated above, under the terms of Kosta Peter's will, one-half of his estate was inherited by his brother, claimant's father, and thus was inherited in turn by the latter's children.

The claimant has now submitted evidence that all individuals with interest in the claim owned by her father have assigned their interests in the claim to the claimant. Accordingly, the Commission determines that claimant is entitled to compensation for her father's entire interest in his claim against the Albanian government. The Commission finds the claimant entitled to \$225.00 for her father's interest in the 4.5 *dynym* of agricultural land and to \$1,500.00 for his interest in the 278-square-meter building lot.

In summary, therefore, the Commission concludes, for the reasons set forth above, that claimant HELENA A. LIOLIN is entitled to an aggregate award

⁴The Proposed Decision erroneously stated that the claimant had four siblings.

in the total principal amount of \$3,725.00.⁵ In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to April 18, 1995 (the effective date of the Settlement Agreement). Accordingly, claimant is entitled to an interest award of 297.8 percent of her principal award, or \$11,093.05.

The Commission therefore withdraws the award made in its Proposed Decision and enters the award set forth below, which will be certified to the Department of Treasury for payment in accordance with sections 5, 7 and 8 of Title I of the ICSA (22 U.S.C. §§ 1624, 1626 and 1627).

Under the terms of the Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent double recovery in a claim. A copy of this decision therefore will be forwarded to the Albanian Government in due course.

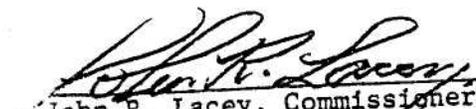
This constitutes the Commission's final determination in this claim.

⁵This includes the award of \$1,000 for her husband's farmland which was granted in the Proposed Decision.

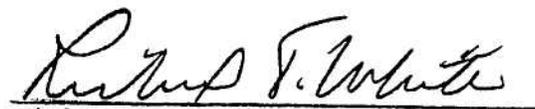
A W A R D

Claimant HELENA A. LIOLIN is entitled to an award in the principal amount of Three Thousand Seven Hundred Twenty-Five (\$3,725.00), plus interest from August 29, 1945 to April 18, 1995, in the amount of Eleven Thousand Ninety-Three Dollars and Five Cents (\$11,093.05), for a total award of Fourteen Thousand Eight Hundred Eighteen Dollars and Five Cents (\$14,818.05).

Dated at Washington, DC and entered as the Final Decision of the Commission.


John R. Lacey, Commissioner

OCT 29 1998


Richard T. White, Commissioner

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*, March 10, 1995 (entered into force April 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, or 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).

The claimant herein, HELENA LIOLIN, asserts a two-part claim. First, she seeks compensation for the alleged expropriation by the Government of Albania in 1945 of a house and land owned by her late husband, Evans J. Liolin, located in Boboshtice, District of Korce. Second, she seeks compensation for agricultural land and a plot of land upon which a house formerly stood, both located in Boboshtice, owned by her father and uncle, also allegedly confiscated by the Albanian government in 1945.

Evidence submitted in this case and evidence contained in the records of the Commission establishes that the claimant acquired United States nationality by birth in Massachusetts on May 17, 1917, and that her late husband, Evans J. Liolin (also known as Vangjel Jovan Ljoljo) acquired United States nationality by naturalization on June 28, 1928 and died in New York on November 17, 1973. The evidence further establishes that claimant's father, Vasil Peter, and her uncle, Kosta Peter, acquired United States nationality by naturalization on October 7, 1929 and March 25, 1927, respectively.¹ In addition, evidence submitted by the claimant establishes that Vasil Peter died in Massachusetts on November 20, 1984, that Kosta Peter also died in Massachusetts on May 26, 1973, and that the latter's wife, Ebba Peter, died on April 30, 1974.

A. Claim for Property Owned by Evans J. Liolin

The Certificates of Ownership submitted by the claimant indicate that, as of 1925, Evans J. Liolin owned a house and a barn located in Boboshtice, as well as 15 *dynyms* (1.5 hectares or about 3.7 acres) of agricultural land also located in Boboshtice.

¹*Claim of EVANS J. LIOLIN*, Claim No. W-10518, Decision No. W-14745 (1966) and *Claim of KOSTA PETER AND VASIL PETER*, Claim No. W-10484, Decision No. W-15035 (1966).

1. The Commission first notes that a portion of the property that is the subject of this claim, namely a two-story six room house, was formerly the subject of a claim in the Commission's General War Claims program. At that time, the claimant's husband was found entitled to an award of \$2,500.00 as compensation for the loss and destruction of the house during World War II. *Claim of EVANS J. LIOLIN*, Claim No. W-10518, Decision No. W-14745 (1966).

In her correspondence attached to the claim form, the claimant appears to seek compensation for both the house and the farm land. She does not mention the barn for which she has submitted evidence of ownership. However, in telephone conversations with the legal staff of the Commission, claimant has alternately stated that the house has been returned to her but she has not yet received the deed, and that she will not accept compensation for her husband's house and land but rather seeks its restitution.² Claimant also has indicated that she is filing or has filed claims for her properties directly in Albania.

²Although the claimant has not specifically so indicated, presumably the house for which her husband was compensated was subsequently rebuilt after sustaining damage during World War II.

The Commission notes that the record contains no evidence of confiscation of the house and the barn. In fact, the claimant has submitted a "Certificate of Negation" which states that none of the buildings owned by claimant's late husband was nationalized or confiscated. While the claimant has stated that the house has been returned to her or that she will not accept compensation for it, she has indicated in her telephone calls that she is claiming for the "yard" surrounding the house. However, despite requests from the Commission to provide some evidence of the size of the yard, she has not done so.³ Even if the Commission were to assume that the property around the house was 96.4 square meters, as listed on Annex A of the Certificate of Ownership submitted by the claimant, there still is no evidence that the house and the yard surrounding it was ever confiscated.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

³One of the documents submitted by the claimant (Annex A), indicates that the general area around the house to be 96.40 square meters.

The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish the size of the "yard" which is the subject of her claim, and the date and circumstances of its alleged confiscation. There is, therefore, no basis for a finding that the claimant's interest in the property has been adversely affected by actions of the Albanian government. Accordingly, this portion of the claim is hereby denied.

The Commission also notes that another Certificate of Ownership submitted by the claimant indicates that, as of 1925, claimant's late husband was the owner of a barn located in Boboshtice. This document is silent as to the size of the barn and the claimant has not specifically indicated that she is, in fact, claiming for this particular property. To the extent that the claimant is seeking compensation for the barn owned by her late husband, the Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish the size of the property or that it was lost as a result of actions attributable to the government of Albania. In the absence of such evidence, the Commission must conclude that this portion of claimant's claim also is not compensable under the terms of the Settlement Agreement. This portion of the claim therefore must also be and is hereby denied.

2. Evidence in the record establishes that Evans J. Liolin was the owner of 15 dynyms (3.7 acres) of agricultural land located in the vicinity of Boboshtice. The Commission is aware that on or about August 29, 1945, the Albanian Communist regime promulgated the "Agrarian Reform Law." This law provided that land not directly worked by the owner was subject to seizure and redistribution by the government, without payment of compensation to the legal owner. Land Reform Law No. 108, GZ 1945, No. 39. This law was then affirmed by the 1946 Albanian constitution which stated that "land belongs to the tiller." Alb. Const., 1946, Ch. I, Art. 12.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving the claimant's husband of his agricultural land, and thereby constituted an uncompensated expropriation by the Government of Albania.

The record establishes that claimant's husband, Evans J. Liolin, died in New York on November 17, 1973, leaving his wife, the claimant, as the sole beneficiary of his estate. Accordingly, claimant is entitled to an award of compensation for the resulting loss.

The claimant has not asserted a value for any of the property. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, and based on the documentation available in the War Claims file of claimant's husband, the Commission finds that the agricultural property -- consisting of 3.7 acres in the village of Boboshtice -- had a value at the time of expropriation of \$1,000.00. Accordingly, claimant is entitled to an award in that amount, dating from August 29, 1945.

B. Claim for Property Owned by Vasil and Kosta Peter

1. The Certificate of Ownership submitted by the claimant indicates that, as of 1927, Vasil and Kosta Peter owned three parcels of property consisting of two fields and a vineyard measuring 6 dynyms located in the village of Boboshtice.

Based on the entire record, the Commission determines that the implementation of the Agrarian Reform Law, coupled with the restrictions placed upon non-farming owners and the formation of agricultural cooperatives, had the effect of depriving the claimant's father and uncle of their agricultural land, and thereby constituted an uncompensated expropriation by the Government of Albania.

The Commission finds that the claimant's father, a widower, who died in Massachusetts on November 20 , 1984, left the claimant and her four siblings as the beneficiaries of his estate under his will. The evidence further establishes that Kosta Peter, claimant's uncle, died in Massachusetts on May 26, 1973 survived by his wife, Ebba Peter who died on April 30, 1974. Under the terms of Kosta Peter's will, one-half of his estate was inherited by his brother, Vasil Peter, and thus was inherited in turn by the latter's children.

The claimant has submitted evidence that her brother, Nicholas Peter, a citizen of the United States by birth, has assigned his interest in this portion of the claim to the claimant. Accordingly, the claimant is entitled to compensation for a two-fifths share in her father's claim. Since her father owned a claim for 4.5 dynyms of property (his claim for 3 dynyms of land plus the one-half interest in a claim for 3 dynyms inherited from his brother), the claimant is entitled to compensation for the loss of 1.8 dynyms (0.45 acres).

The claimant has not asserted a value for this property. Based on its study of the values of various kinds of real property in Albania before and during World War II and thereafter, the Commission finds that the farm land owned by Vasil and Kosta Peter -- consisting of 6 dynyms in the village of Boboshtice --

had a value at the time of expropriation of \$300.00. Accordingly, the claimant is entitled to an award of \$90.00 for her two-fifths interest in her father's claim.

2. Annex A attached to the Certificate of Ownership submitted by the claimant also indicates that Vasil and Kosta Peter owned a plot of land measuring 278.5 square meters upon which a house owned by Vasil and Kosta Peter formerly stood. The Commission here notes that Kosta Peter and Vasil Peter each were compensated \$1,500.00 for their respective one-half interests in a two-story, eight-room house located in Boboshtice which was damaged during World War II. *Claim of KOSTA PETER AND VASIL PETER*, Claim No. W-10484, Decision No. W-15035 (1966).

In her correspondence attached to the second claim form, the claimant states that she is not claiming for the house but rather for the land that "it was built on ..." The claimant has provided evidence that by Decision No. 438 (dated December 20, 1994), the Commission for the Restitution of Properties and Compensation of Former Owners of Korce has agreed to compensate the claimant and her brother "with Government bonds (obligations)" for the 278 square meter building lot. However, claimant has stated that, to date, she has not received any payment for that land.

There is no evidence in the record indicating that the claimant and her brother have taken any steps to formally renounce the Commission decision, however. Accordingly, since the U.S.-Albania Settlement Agreement does not permit double recovery by a claimant, the Commission determines that it is precluded from awarding compensation in this portion of the claimant's claim. Therefore, this portion of the claim is hereby denied.

* * * * *

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission further concludes that the claimant is entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 297.8 percent of her principal award of \$1,090.00, or \$3,246.02.

Under the terms of the Settlement Agreement, the United States government has agreed to advise the Albanian authorities of the issuance of the Commission's awards, so as to prevent any double recovery. A copy of this decision thus will be forwarded to the Albanian authorities in due course.

The Commission therefore makes the following award, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the ICOSA (22 U.S.C. §§1624, 1626, and 1627).

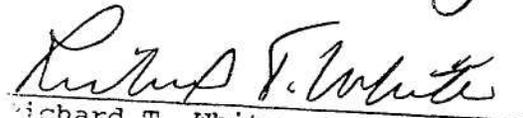
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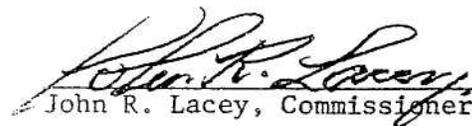
Claimant, HELENA P. LIOLIN, is entitled to an award in the principal amount of One Thousand Ninety Dollars (\$1,090.00), plus interest from August 29, 1945, to April 18, 1995, in the amount of Three Thousand Two Hundred Forty-Six Dollars and Two Cents (\$3,246.02), for a total award of Four Thousand Three Hundred Thirty-Six Dollars and Two Cents (\$4,336.02).

Dated Washington, DC and entered as the Proposed Decision of the Commission.

JAN 28 1997


Delissa A. Ridgway, Chair


Richard T. White, Commissioner


John R. Lacey, 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. 531.5 (e) and (g) (1995).