

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, a United States citizen by birth, has stated that the properties which are the subject of his claim were confiscated by the Albanian government. The claim form does not identify these properties or indicate when or under what circumstances they were confiscated. The claimant also asserts that his father, Sotir (Charles) Proto, a naturalized citizen of the United States since 1931, owned the properties at issue at the time of confiscation. The claimant failed to complete much of the claim form, but has submitted documentation from Albania including his birth certificate; inheritance testimony naming two other siblings as co-inheritors; an ownership attestation

stating that the claimant's grandfather, Ilia Kovi Proto Singjello, owned the properties listed; a confiscation document; and a document from the "Restitution and Compensation Commission of the Estates to the Ex-Owners" which appears to return the properties the Commission believes may be the subject of this claim.

By Commission letter dated March 19, 1996, claimant was asked to submit further information and evidence establishing his United States nationality, as well as that of the co-claimants indicated in the record. In addition, claimant was asked to submit a copy of his father's death certificate, his father's will or a certificate of inheritance, evidence of his mother's nationality, and a statement as to whether the present Albanian government has returned these properties to claimant or his family. No response has been received. On July 2, 1996, the Commission renewed its request and advised claimant that if the requested information and evidence were not received within thirty days, the claim would be submitted for decision on the basis of the existing record. To date, claimant has submitted no further evidence.

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).

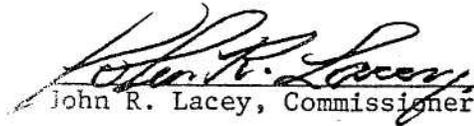
The Commission finds that the claimant has not met the burden of proof in that he has failed to submit a copy of his passport to establish his United States nationality. Nor has claimant identified the properties for which he wishes to claim. In the absence of such evidence, the claim must be and is hereby denied.

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

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


Delissa A. Ridgway, Chair

AUG 16 1996


John R. Lacey, Commissioner

This decision was entered as the Commission's
Final Decision on OCT 07 1996

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).