

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, DC 20579

In the Matter of the Claim of

STEPHEN GATSES

Against the Government of Albania

Counsel for Claimant:

Claim No. ALB-284

Decision No. ALB-146

George S. Gatses, Esquire

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of personal property and an ownership interest in a shoe shop located in the village of Tsiatista, District of Gjirokaster.

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 final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded 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) (1994).

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 in this case has asserted that the property which is the subject of his claim was confiscated by the Albanian government, although he does not specify the actual date of confiscation. The claimant further asserts that he and his father were co-owners of the property at that time. Evidence in the record indicates that the claimant and his father acquired United States nationality by naturalization on May 26, 1955, and March 10, 1943, respectively.

The Commission notes that the property that is the subject of this claim was formerly the subject of a claim in the Commission's General War Claims program. At that time, the claimant filed a claim for loss and destruction in World War II of a shoe store located in the town of Tsiatista as well as for shoes and equipment. In a decision dated May 12, 1965, the Commission found that the property at issue in the claim was not owned by a United States national on the date of loss and denied the claim.

By Commission letter dated April 26, 1996, the claimant's attorney was requested to provide evidence that the properties which are subject of the present claim were not, in fact, destroyed during World War II as the claimant had averred in the previous proceedings and that they were confiscated by the Albanian government sometime after May 26, 1955, the date of claimant's naturalization. To date, however, no response has been received.

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).

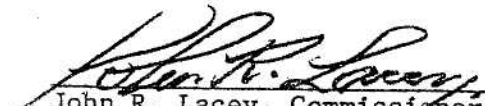
The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish the existence of the property, and the date and circumstances of its alleged confiscation. Accordingly, the claim must be and is hereby denied.

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

**JUL 01 1996**

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on **AUG 15 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).