

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

JOHN STIPKALA
10702 Lamontier Avenue
Cleveland 4, Ohio

Claim No. CZ-1,616

Decision No. CZ- 135

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

GPO 942329

Joseph Bystricky, Esq.
3647 Fulton Road
Cleveland 9, Ohio

PROPOSED DECISION

This is a claim in the amount of \$9,000.00 against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by JOHN STIPKALA, who became a national of the United States by naturalization on June 29, 1918.

The claim is based on the nationalization or other taking of a deposit in the State Savings Bank of Dolny Kubin, Czechoslovakia.

Section 404 of the Act provides, inter alia, for the determination by the Commission, in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property, including any rights or interests therein, owned at the time by nationals of the United States.

Clearly then, it follows from the congressional mandate to the Commission that there must be a showing, among other things, that the Government of Czechoslovakia nationalized or otherwise took property of a claimant in order for the Commission to act favorably on his claim. A study of the history of events with respect to bank accounts and

CZ-12

savings accounts in Czechoslovakia reveals that pursuant to Law 41/53 Sb., effective June 1, 1953, those deposits which were made prior to November 15, 1945 in old currency were annulled by an executive decree of the Government of Czechoslovakia.

It is beyond dispute that claimant's right to payment of the bank account on which this claim is based was property within the meaning of Section 401(1) of the Act which defines property as "any property, right, or interest" and the Commission finds that this right to payment was taken by the Government of Czechoslovakia on June 1, 1953 by virtue of Section 7 of Law 41/53 Sb. which cancelled such right.

Accordingly, the Commission finds, with respect to the instant claim, that the amount of 63,885.40 crowns which was on deposit in favor of claimant in the State Savings Bank of Dolny Kubin, Czechoslovakia, was taken without compensation by the Government of Czechoslovakia on June 1, 1953 pursuant to Law 41/53 Sb. and that claimant is entitled to compensation at the rate of \$1.00 for 50 crowns for such taking under Section 404 of the Act.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to JOHN STIPKALA in the principal amount of One Thousand Two Hundred Seventy-seven Dollars and Seventy Cents (\$1,277.70), plus interest thereon at the rate of 6% per annum from June 1, 1953 to August 8, 1958, the effective date of the Act, in the amount of One Hundred Ninety-seven Dollars and Fifty-eight Cents (\$397.58), in total amount of One Thousand Six Hundred Seventy-five Dollars and Eight Cents (\$1,675.28).

at Washington, D. C.

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

RECORDED AS THE COMMISSION'S

MAR 16 1960

Francis T. Masterson
Clerk of the Commission