

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

In the Matter of the Claim of

ALEXANDRA CHAVOS JAZAYERI

Claim No. ALB-121

Decision No. ALB-189

Against the Government of Albania

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Labove, 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 a claim for two parcels of real property which were allegedly confiscated by the Albanian government sometime after 1950. At that time, according to the claimant, the property was owned by her father, Gregory F. Chavos, a United States national since 1928.

Claimant has submitted evidence of her birth in Illinois on

Personally Identifiable Information
Redacted under 5 U.S.C. §552(b)(6)

and a copy of an affidavit previously submitted in the Commission's War Claims Program.*

The Commission first notes that a portion of the property that is the subject of this claim was formerly the subject of a claim in the Commission's General War Claims program. In that program, the Commission denied the claim of the claimant's father because he had failed to establish ownership of the claimed property, or to establish that it was lost, damaged or destroyed by the German military operations. Claim of *GREGORY F. CHAVOS*, Claim No. W-5452, Decision No. W-18647 (1966).

By letters dated March 20, 1996 and June 15, 1996, the Commission advised the claimant of the reason for the denial of her father's claim in the General War Claims program, and suggested that the claimant submit some additional evidence of her father's ownership of the property in question and the date and circumstances of its alleged confiscation to prove her case in this Albanian Claims Program. No substantive response has been received to date from the claimant.

*In this affidavit, the affiant states that while he did not know Gregory Chavos personally, he knew Mr. Chavos' mother, Alexandra Chavos. The affiant further states that he understood that Mrs. Alexandra Chavos lived on the property all of her life, and that the property consisting of a five room house and a cellar were destroyed in 1943 by German military operations.

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 she has failed to submit supporting evidence to establish her father's ownership of the two parcels of property which form the basis of her claim, or the date and circumstances of its alleged confiscation. In the absence of such evidence, the Commission must conclude that claimant's claim is not compensable under the terms of the Settlement Agreement. The claim therefore 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.

OCT 07 1996


Delissa A. Ridgway, Chair


Richard T. White, Commissioner

This decision was entered as the Commission's
Final Decision on DEC 03 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).