



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 stated that she and her brothers, all United States citizens by birth, may have an interest in property belonging to their father, who had acquired United States citizenship by naturalization in 1928. However, the claimant has not asserted that the property was confiscated by the Albanian government. In fact, she has stated that she has "no knowledge what transpired in regards to the property." By Commission letter dated March 11, 1996, the claimant was asked to establish her United States nationality as well as her father's ownership of the property in question. In response to this letter, the claimant contacted the Commission and stated that she has no other

documentation to provide. She further stated that her father gave the property to his sister, whose descendants are occupying the property. To date, no other 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.

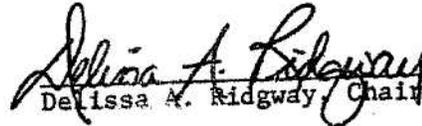
45 C.F.R. 531.6(d) (1994).

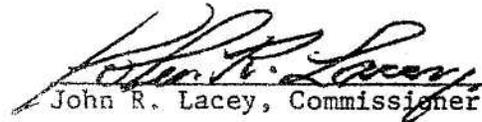
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish her United States nationality, her father's ownership of the property which is the subject of her claim, and the date and circumstances of its possible confiscation. Indeed, there is no evidence or assertion that the property in question was ever taken by the Albanian government. Accordingly, the Commission must conclude that this 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.

MAY 07 1996

  
Delissa A. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on JUL 02 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) (1994).