



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 properties which are the subject of her claim (including real property located in Dobronik and Berat, and mining land in Mali Gorica) were confiscated by the Albanian government either before or after World War II. According to the claimant, her husband, Azmi K. Browsh, was the owner of the properties at that time.

In its General War Claims Program, conducted under Title II of the War Claims Act of 1948, as amended (50 U.S.C. App. 2017), the Commission found that Azmi K. Browsh was naturalized as a United States citizen on June 29, 1927. The Commission also issued an award in that name in the

amount of \$7,000 for the loss or destruction, in 1944, of a four-room stone house located in Dobronik, and a ten-room hotel and a feed shop located in Berat. (*Claim of AZMI K. BROWSH*, Claim No. W-16257, Decision No. W-16999 (1966).) In addition, in a separate claim under the General War Claims Program, the Commission awarded the present claimant \$1,000 for the loss and destruction, in 1944, of a six-room stone house located in Dobronik, Berat, in which she had owned a one-third interest. (*Claim of NAXHIJE BROWSH*, Claim No. W-11076, Decision No. W-18080 (1966).) In that claim it was established that the claimant became a United States national by naturalization in 1937.

In view of the foregoing, the Commission informed the claimant in a letter dated March 12, 1996, that it could make a favorable determination in her claim only on the basis of the land underlying the formerly compensated properties, and possibly the land in Mali Gorica, if additional probative evidence were submitted. The Commission requested that claimant submit further information including a copy of her husband's death certificate and will and some evidence of the date and circumstances of the alleged confiscation. The Commission received no response to this request. On July 2, 1996, the Commission reiterated its request and informed claimant that if the requested

information and evidence was not received within thirty days, the claim would be submitted for decision on the basis of the existing record. Although claimant has contacted the Commission in response to this request, no further evidence has been submitted.

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.

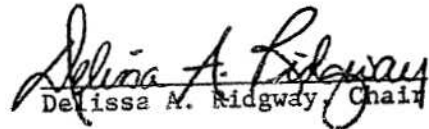
45 C.F.R. 531.6(d)(1995).

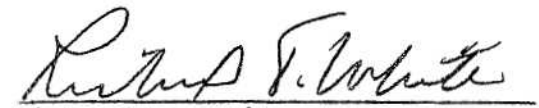
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit sufficient supporting evidence to establish her right to claim for the property at issue in this claim or the circumstances of its asserted loss. In the absence of such evidence, the Commission must 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.

OCT 07 1996

  
Melissa 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).