

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

In the Matter of the Claim of

POLYXENE LITOS

Against the Government of Albania

Claim No. ALB-233

Decision No. ALB-167

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Selcke, 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 stated that the property which is the subject of her claim was confiscated by the Albanian government in 1967. The claimant also asserts that her grandfather may have been the owner of the property at that time, and that her father, a United States citizen, was an heir to the property. However, claimant has submitted no documentation or other evidence to substantiate either her grandfather's or her father's United States nationality, who the owner of the property was at the time it was taken, her inheritance of this property, or the date and circumstances of its confiscation.

By letter dated March 14, 1996, the Commission requested claimant to provide evidence of ownership of the property in question, a copy of her father's Will or a certificate of inheritance, and some evidence of confiscation of these properties. To date, however, no response has been received. On July 2, 1996, the Commission again requested such evidence and informed claimant that if such information and evidence were not received within thirty days, it would be necessary to determine the claim on the basis of the existing record. Claimant has submitted no further evidence.

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).

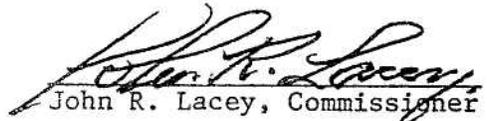
The Commission finds that the claimant has not met the burden of proof in that she has failed to establish the United States nationality of the asserted owner of the property or the date and circumstances of its alleged confiscation. In the absence of such evidence, the Commission is unable to find that, at the time the property in question was assertedly taken by the Albanian government, it was owned by a national of the United States. 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

AUG 16 1996


John R. Lacey, Commissioner

This decision was entered as the Commission's
Final Decision on OCT 07 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).