

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 properties which are the subject of his claim were confiscated by the Albanian government in 1945. According to the claimant, his grandfather, Athanasios Mandros, 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 Athanasios Mandros was naturalized as a United States citizen on February 24, 1930. (*Claim of ATHANASIOS MANDROS*, Claim No. W-9948, Decision No. W-17010 (1966).) However, claimant has submitted no

documentation or other evidence to substantiate his own nationality. In addition, claimant has not submitted any evidence of his grandfather's ownership of the claimed properties, and there is no evidence of such ownership in his grandfather's War Claim file, except with regard to an eight-room house which was destroyed in April 1944. Nor has claimant submitted any evidence as to the circumstances of the alleged confiscation of the properties in question, or of his inheritance of the claim for the resulting loss.

By letter dated March 14, 1996, the Commission requested claimant to provide evidence of his own U.S. nationality, as well as evidence of ownership of the properties in question, a copy of his grandfather's will or other evidence such as a certificate of inheritance, and some evidence of confiscation of these properties. To date, however, no response has been received. On July 8, 1996, the Commission reiterated its request and informed claimant that if such information was not received within 30 days, the claim would be submitted for decision on the basis of the existing record. Again, no 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)(1995).

The Commission finds that the claimant has not met the burden of proof in that he has failed to submit supporting evidence to establish his grandfather's ownership of the properties which are the subject of his claim, and the date and circumstances of their alleged confiscation, or his own nationality and right to claim for the properties' loss. In the absence of such evidence, the Commission is unable to find that the claim for the properties in question is compensable under the Settlement Agreement. 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.

OCT 07 1996


Melissa M. 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).