

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

OLGA SWAN
54 Brentwood Avenue
Newton Centre, Massachusetts

Claim No. BUL-1,003

Decision No. BUL-182

Against the Government of Bulgaria
Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on July 17, 1957, a certified copy of which was duly served upon the claimant.

Claimant has objected to the Proposed Decision on the ground that since September, 1937, she has owed allegiance to the United States by reason of then having declared her intention to become a citizen of the United States, and should be considered as a citizen of the United States from that date. The Commission finds that a declaration of intention to become a United States citizen is not and may not be equated to citizenship. Moreover, a person, while in such status, does not owe permanent allegiance to the United States.

Accordingly, full consideration having been given to the objections of the claimant, filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

DEC 4 1957

Whitney Gilliland

COMMISSIONERS

Paul ...

Henry S. Clay

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esb.
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41-49-R2

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PROPOSED DECISION

This is a claim against the Government of Bulgaria under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, by OLGA SWAN, a citizen of the United States since her naturalization on July 8, 1943, for the value of shares of stock and certain Bulgarian bonds allegedly owned by her.

Claimant states that she owns 50 shares of S.A. Fabrique de Tabac and Fr. 75,000 of 4½% Bulgarian State Gold Loan bonds of 1909.

Section 303(2) of the Act provides, among other things, for the receipt and determination by the Commission of the validity and amounts of claims of nationals of the United States against the Government of Bulgaria arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Bulgaria.

It is clear, and it has been determined by the Commission^{1/}, that one of the conditions which must be met before a claimant can establish entitlement to an award under Section 303(2) of the Act in a claim based on a stock interest in a corporation is that imposed in Section 311(b) of the Act, which provides as follows--

A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is

^{1/} In the Matter of the Claim of Eugene L. Garbaty,
Claim RUM-30,250, Dec. RUM-13 (1957)

asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly, by natural persons who were nationals of the United States.

Claimant has not offered evidence of any ownership interests in the company other than her own in order to establish that at the time of the loss at least 25% of the corporation, "S.A. Fabrique de Tabac", was owned by natural persons who were nationals of the United States.

Section 303(3) of the Act provides for the determination of claims of nationals of the United States resulting from failure to meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to April 24, 1941, in the case of Bulgaria, and which became payable prior to September 15, 1947.

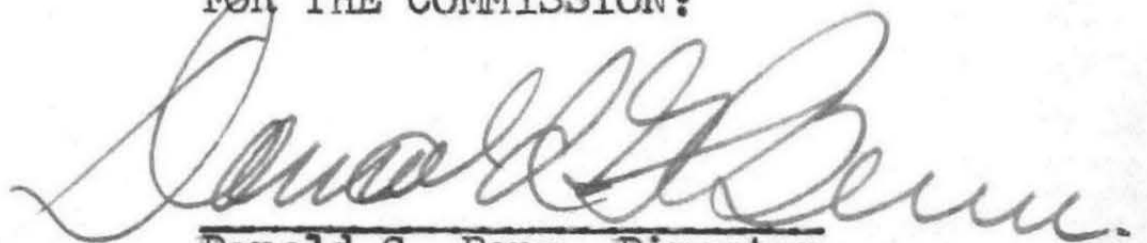
Claimant has not established that the bonds in question are expressed in currency of the United States, nor has she established that they were acquired by a national of the United States prior to April 24, 1941, as required by the Act as a condition for compensation.

Accordingly, for the reasons above-stated, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

JUL 7 1957

FOR THE COMMISSION:

W.B.
WB


Donald G. Benn, Director
Balkan Claims Division