

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

IN THE MATTER OF THE CLAIM OF

EDWARD GEORGE TROUSIL
BARBARA WILHELMINA TROUSIL
2721 South Plinton Avenue
Berwyn, Illinois

ROBERT EMIL TROUSIL
Route 1, Box 223
Boulder, Colorado
Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-5004

Claim No. CZ-5005

Decision No. CZ-1307

Claim No. CZ-5007

Decision No. CZ-1512

GPO 942329

Counsel for Claimants:

GORDON G. GREINER, Esq.
Holland and Hart
Equitable Building
Denver 2, Colorado

FINAL DECISION

The Commission issued its Proposed Decisions on these claims on August 22, 1960 and October 5, 1960, denying them for the reason that they had not been timely filed. Copies of the said decisions were duly served upon the claimants.

At a hearing held on November 29, 1960, counsel for claimants urged as follows:

1. The time for filing claims was tolled by the fraudulent concealment of the fact of nationalization by the Government of Czechoslovakia and its agent.
2. Claimants did not receive the required notice of the cut-off date for the filing of claims as provided by Section 4(b) of Title I of the Act.
3. The Proposed Decision should only dismiss the claims for being untimely and at the same time determine the merits of the claims.

The Commission finds that the arguments and contentions of claimants are without merit. The Congress of the United States upon enactment of Title IV of the Act expressly provided

CZ-2

for a limit of time within which claims could be filed under the statute and no provision was made therein for an extension of that time by the Commission for any reason, however equitable and meritorious it may be. The argument that the statute of limitations for the filing of claims was tolled until a claimant discovered that his property had been taken would have the effect of holding up the distribution of funds to other claimants who diligently pursued their claims under the statute. Obviously the Congress did not intend that this be the case.

The Commission has consistently held that the mere fact that a claimant did not receive notice as provided by Section 4(b) of the Act, did not render his claim timely. Moreover, the practice of the Commission has consistently been to merely deny a claim where it is found to be untimely and make no determination as to the other elements of such claim. The Commission concludes that the circumstances in these claims do not warrant a departure from this practice.

Accordingly, full consideration having been given to the claimants' objections and the evidence and the arguments presented at the hearing, the Commission concludes that these claims were not timely filed and it is

ORDERED that the Proposed Decisions be and the same are hereby entered as the Final Decisions on these claims.

Dated at Washington, D. C.

JAN 9 1961

Pearl Pace
Robert L. Kunzig
Thomas J. ...

WDM
by [signature]

COMMISSIONERS

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

IN THE MATTER OF THE CLAIM OF

EDWARD GEORGE TROUSIL
BARBARA WILHELMINA TROUSIL
2721 South Clinton Avenue
Berwyn, Illinois

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-5,004
CZ-5,005

Decision No. CZ-1307

GPO 16-72126-1

PROPOSED DECISION

These are claims against the Government of Czechoslovakia filed under the provisions of Section 404 of Title IV of the International Claims Settlement Act of 1949, as amended, by EDWARD GEORGE TROUSIL and BARBARA WILHELMINA TROUSIL.

Section 411 of the aforesaid Act provides that the Commission "shall give public notice by publication in the Federal Register of the time when, and the limit of time within which claims may be filed, which limit shall not be more than twelve months after such publication."

Pursuant to the Congressional mandate, the Commission published in the Federal Register of September 16, 1958 public notice that claims against the Government of Czechoslovakia under Title IV of the Act shall be filed with the Commission on or before August 1, 1959. Subsequently, the Commission extended the time for filing claims against the Government of Czechoslovakia under Title IV of the Act by publishing notice in the Federal Register on July 24, 1959, that claims shall be filed with the Commission on or before September 15, 1959, the terminal date of the aforementioned twelve month period prescribed by statute.

These claims were received by the Commission on July 22, 1960.

The Commission finds that these claims were not filed within the time prescribed for such filing. Accordingly, the claims are hereby denied.

The Commission deems it unnecessary to make determinations with respect to other elements of these claims.

Dated at Washington, D. C.

AUG 22 1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

WDM

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The Commission has consistently held that the mere fact that a claimant did not receive notice as provided by Section A(b) of the Act, did not render his claim timely. Moreover, the practice of the Commission has consistently been to merely deny a claim where it is found to be untimely and make no determination as to the other elements of such claim. The Commission concludes that the circumstances in these claims do not warrant a departure from this practice.

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Dated at Washington, D. C.

JAN 9 1961

Paul Pace
Robert L. Kuyff
Theodore S. ...

COMMISSIONERS

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OF THE UNITED STATES

WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

EDWARD GEORGE TROUSIL
BARBARA WILHELMINA TROUSIL
2721 South Clinton Avenue
Berwyn, Illinois

Under the International Claims Settlement
Act of 1949, as amended

Claim No. **CZ-5,004**
CZ-5,005

Decision No. **CZ- 1307**

GPO 16-72126-1

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JAN 9 1961

Paul Lee
Robert L. King
[Signature]

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