

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

IN THE MATTER OF THE CLAIM OF

FRANK LANG ✓
85 East End Avenue ✓
New York 28, New York ✓

Claim No. CZ-5,010 ✓

Decision No. CZ-1815 ✓

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

FINAL DECISION

The Commission issued its **Proposed Decision** on this claim on November 28, 1960, denying it for the reason that the claim had not been timely filed. A copy of the said decision was duly served upon the claimant, who filed objections thereto.

Claimant asserts that his claim should be considered as timely filed and contends as follows:

1. He never received the notice that the Commission was directed to send to claimants pursuant to Section 4(b) of Title I of the Act;
2. He did not subscribe to the Federal Register and did not know of the filing deadline until after it had passed;
3. He wrote to the Department of State in 1949 registering his claim against the Government of Czechoslovakia, which claim was never withdrawn; and
4. He wrote again to the Department of State on November 17, 1958, which is subsequent to the enactment of Title IV of the Act, asserting his claim and never received a reply to such letter.

With respect to contentions (1) and (3) the record shows that claimant did communicate with the Department of State in 1949

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regarding property in Czechoslovakia. The records of the Commission show that on October 1, 1958, notice of the claims program authorized by Title IV of the Act was mailed to claimant at the address contained in the 1949 correspondence, namely, 310 Riverside Drive, New York 27, New York. This notice was returned to the Commission marked "Un-claimed". Moreover, even if the Commission had not sent notice to the last known address of the claimant, the result would not be otherwise. The Commission has consistently held that the mere fact that a claimant did not receive notice as provided for by Section 4(b) of the Act, does not render his claim timely if filed subsequent to the deadline.

Claimant's argument regarding the fact that he did not subscribe to the Federal Register is totally without merit. There are a host of authorities which hold that publication in the Federal Register is constructive notice to all affected parties irrespective of whether they read such notice or not. Additionally, it is to be noted that not only did the Commission publish notice in the Federal Register, it also gave wide publicity through news media to the claims program and the deadline for filing of claims.

In support of his contention that he wrote to the Department of State on November 17, 1958, asserting his claim, claimant has submitted a copy of a letter which he asserts to be a copy of the original sent to the Department on that date. The Commission has inquired of the office to which claimant states that the letter was sent and no such letter can be found. Moreover, even if claimant did send such a letter to the Department of State in November 1958, it would nevertheless not represent a claim before this Commission under Title IV of the Act.

Section 531.1(b) of the Commission's Regulations (45 CFR) provides:

Claims under Title IV (Czechoslovakian claims) of the Act shall be filed with the Commission on or before August 1, 1959.

This time limit was extended to September 15, 1959, the absolute maximum length of time within which claims could be filed under Title IV of the Act.

Accordingly, after due consideration of the record and claimant's objections to the Proposed Decision and his arguments in support thereof, the Commission is constrained to conclude that this claim was not timely filed; and it is hereby

ORDERED that the Proposed Decision be and the same is hereby affirmed.

Dated at Washington, D. C.
JUL 26 1961

Edmund J. O'Connell
WJM
CJF

Theodore Jaffe

COMMISSIONERS

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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New York 28, N. Y.

Claim No. CZ-5,010 ✓

Decision No. CZ- 1815

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

PROPOSED DECISION

This is a claim under the provisions of Section 404 of Title IV of the International Claims Settlement Act of 1949, as amended, against the Government of Czechoslovakia.

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.

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The record in this claim discloses that it was filed with the Commission on November 1, 1960.

Accordingly, the Commission finds that this claim was not filed within the time prescribed for such filing and it is, therefore, denied.

The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

NOV 28 1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

JUL 26 1961

Francis T. Masterson

Clerk of the Commission

WDM

[Handwritten initials]