

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

IN THE MATTER OF THE CLAIM OF

ELMER SOMLYO
9948 Robbins Drive
Beverly Hills, California

MILTON DOUGLAS SOMLYO
1575 Grand Concourse
Bronx 52, New York

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

Claim No. HUNG-20,014

Decision No. HUNG-974

Counsel for Claimant:

Leonard A. Drexler, Esquire
494 Hudson Street
New York 14, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on March 19, 1958, a certified copy of which was duly served upon the claimant(s). No objections or request for a hearing having been filed within twenty days after such service 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 the claim, and it is further

ORDERED that the award granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

MAY 7 1958

Whitney Hill
Paul Rice
Henry T. Clay
H-18
H-17
H-10
H-14

COMMISSIONERS

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Decision No. HUNG-

GPO 16-72126-1

Counsel for Claimant:

Leonard A. Drexler, Esquire
494 Hudson Street
New York 14, New York

PROPOSED DECISION

These are claims against the Government of Hungary under Sec 303(1) and 303(2) of the International Claims Settlement Act of 1949, as amended, for \$242,386 by ELMER SOMLYO and MILTON DOUGLAS SOMLYO, nationals of the United States since their births in the United States on January 10, 1899 and October 18, 1893 respectively, for loss and damage sustained during World War II and for the nationalization of property.

The Commission finds that the claimants inherited certain property from ARNOLD SOMLYO and IRMA SOMLYO, who became citizens of the United States on November 5, 1894, and who died in 1939 and 1944, respectively.

So much of the claims as are based upon an account in the Hungarian Discount and Exchange Bank, valued by the claimants in the amount of \$1,531.00 is denied for the reasons specified in the attached copy of Proposed Decision No. 716, In the Matter of the Claim of Jozsef Chobady, (HUNG-20,187).

The Commission finds that so much of the claim as is based on City of Budapest bonds, in the principal amount of \$14,000, alleged to have been removed from a safe in the Hungarian Discount and Exchange Bank during World War II must be and is hereby denied for the reasons that it has not been established that the bonds were lost, or that, if they were lost, claimants have been effectively deprived of ownership thereof inasmuch as procedures existed for replacement of such bonds as were lost or stolen during the War. Moreover, even if the claimants have an ownership interest in such bonds, the claim based thereon must be denied for the reasons specified in the attached copy of Proposed Decision No. 50, In the Matter of the Claim of Walter W. Winget (HUNG-20,122).

So much of the claims as are based upon the death of IRMA SOMLYO, is hereby denied for the reason that Articles 26 and 27 of the Treaty of Peace with Hungary relate solely to restoration of property of United Nations nationals in Hungary, and to the payment of compensation in those cases where property could not be returned.

The Commission finds that the claimants' mother, IRMA SOMLYO had owned certain personal property which was lost or damaged as a result of World War II. The Commission also finds that the loss or damage actually sustained amounted to eleven thousand four hundred dollars and ninety cents (\$11,400.90) and concludes that claimants are entitled to compensation under Section 303(1) of the Act. Under this Section, awards are limited to two-thirds of the loss or damage actually sustained. Accordingly, the portion of this claim which is based on expenses of preparation of the claim under the Treaty of Peace must be and is hereby denied.

The Commission further finds that claimants also owned, in equal parts, an apartment building at 4 Batthyany utca, Budapest, which was subsequently nationalized by the Government of Hungary pursuant to Hungarian-Law Decree 1952:4 tvr. (Official Gazette No. 18,

February 17, 1952), that the value of the property taken was forty-two thousand dollars (\$42,000.00) and that claimants are also entitled to compensation under Section 303(2) of the Act.

So much of the claims as is based upon loss of rent, in the amount of \$55,000, is denied inasmuch as the property belonged to the State after February 17, 1952, rather than to the claimants. However, the claimants were entitled, on the date the property was taken, to compensation in an amount equal to the value of the property. Thus, they have suffered the loss of the use of the money they were entitled to receive on February 17, 1952. Such loss of use can be compensated for in terms of interest and the Commission concludes that interest should be allowed on the award at the rate of 6% per annum from the date of loss to August 9, 1955, the effective date of Section 303.

A W A R D

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, these claims are allowed in part, and an award is hereby made to ELMER SOMLYO in the amount of twenty-four thousand eight hundred dollars and thirty cents (\$24,800.30) plus interest upon that portion of the award granted pursuant to Section 303(2) at the rate of 6% per annum from February 17, 1952 to August 9, 1955, the effective date of the Act in the amount of four thousand three hundred eighty-five dollars and forty-three cents (\$4,385.43);

and an award is made to MILTON DOUGLAS SOMLYO in the amount of twenty-four thousand eight hundred dollars and thirty cents (\$24,800.30) plus interest upon that portion of the award granted pursuant to Section 303(2) at the rate of 6% per annum from February 17, 1952 to August 9, 1955, the effective date of the Act in the amount of four thousand three hundred eighty-five dollars and forty-three cents (\$4,385.43).

Payment of any part of these awards shall not be construed to have divested the claimants herein, or the Government of the United States of any rights against the Government of Hungary for the unpaid balance of the claims, if any.

Wilm
WB
WJ

Dated at Washington, D. C.

MAR 19 1958

FOR THE COMMISSION:

Donald G. Benn

Donald G. Benn, Director
Balkan Claims Division