

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

IN THE MATTER OF THE CLAIM OF

OTTO G. GEIRINGER, EXECUTOR OF THE
ESTATE OF ROBERT ALEXANDER SABORSKY,
Deceased
141 Broadway
New York 6, New York

Claim No. HUNG-20,541

Decision No. HUNG-1265 (A)

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

GPO 16-72126-1

FINAL DECISION

The Commission issued its Amended Proposed Decision on this claim on March 2, 1959, a copy of which was duly served upon the claimant. No objections or request for a hearing having been filed within twenty days after such service and general notice of the Amended Proposed Decision having been given by posting for thirty days, it is

ORDERED that such Amended 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.

APR 20 1959

Whitney Gilliland

Pearl Pace

Robert L. Kunzig

M. J. L.
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COMMISSIONERS

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AMENDED PROPOSED DECISION

By decision, issued July 23, 1958, the claim was denied on the ground that it had not been established that property belonging to ROBERT ALEXANDER SABORSKY, deceased, was the subject of any act or failures to act for which the Government of Hungary is responsible under Section 303 of the International Claims Settlement Act of 1949, as amended.

Upon consideration of evidence subsequently submitted, it is concluded that the Proposed Decision should be amended as follows:

The Commission finds that the late ROBERT ALEXANDER SABORSKY became a national of the United States by naturalization in the United States on March 1, 1948; the record shows that he died on or about March 17, 1950; and that the beneficiaries of his estate are nationals of the United States.

The claimant has been unable to submit evidence which fully substantiates the allegations as to the ownership and the extent of the loss with respect to the property on which the claim is founded. Nevertheless, the Commission not being bound by the usual rules of evidence is persuaded that the deceased owned an interest in property in Hungary, which was taken within the meaning of Section 303(2) of the Act, apparently in 1950, and that no compensation has been paid therefor by the Government of Hungary. Denial of the

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claim for lack of corroboration under such circumstances would not, in the opinion of the Commission, be an act of justice. On the other hand, the absence of reliable evidence precludes an award of the full amount claimed.

The Commission finds that the value of the interest owned by the deceased in the property thus taken was Three Thousand Dollars (\$3,000.00), and concludes that claimant is entitled to an award under Section 303(2) of the Act.

A W A R D

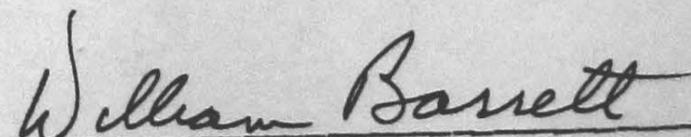
Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to OTTO G. GEIRINGER, EXECUTOR OF THE ESTATE OF ROBERT ALEXANDER SABORSKY, Deceased, in the amount of Three Thousand Dollars (\$3,000.00) plus interest thereon at the rate of 6% per annum from August 9, 1950 to August 9, 1955, the effective date of the Act, in the amount of Seven Hundred Fifty Dollars (\$750.00).

Payment of any part of this award shall not be construed to have divested the claimant herein, or the Government of the United States on his behalf, of any rights against the Government of Hungary for the unpaid balance of the claim, if any.

Dated at Washington, D. C.

MAR 2 1959

FOR THE COMMISSION:


William Barrett, Acting Director
Balkan Claims Division

