

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

HERBST, ALOIS

In the Matter of the Claim of

ALOIS HERBST a.k.a. LOUIS HERBST  
1717 Greene Avenue  
Brooklyn 37, New York

Claim No. IT-10,795

Decision No. It-1

Under Section 304 of the International  
Claims Settlement Act of 1949, as amended

Attorney for Claimant:

Joseph A. Mitschel, Esquire  
66-10 Forest Avenue  
Ridgewood 27, New York

PROPOSED DECISION

This is a claim against the Government of Italy under Section 304 of the International Claims Settlement Act of 1949, as amended.

Section 306 of the aforesaid Act provides that the Commission shall publish in the Federal Register the time when and the limit of time within which claims may be filed, "which limit shall not be more than one year after such publication, except that with respect to claims under Section 305 this limit shall not exceed six months."

The Foreign Claims Settlement Commission, in accordance with the Congressional mandate, published its Regulations in the Federal Register on September 30, 1955, designating a one-year period for the filing of claims under Section 304, which period expired at midnight, October 1, 1956. This terminal date for filing claims is a statutory limitation and the Commission has no authority to waive or extend it.

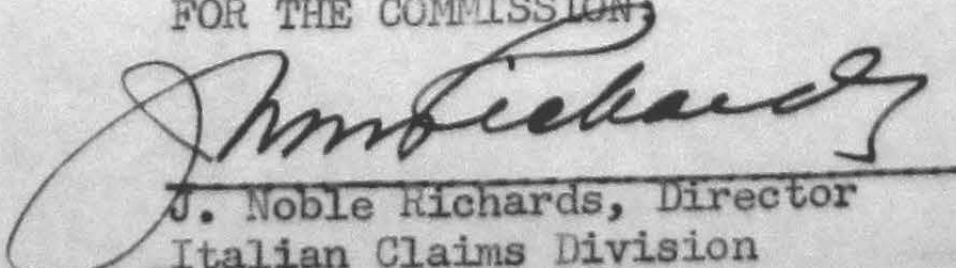
The Commission's records disclose that the claim herein was filed subsequent to October 1, 1956.

Accordingly, the Commission finds that this claim was not timely filed and it is, therefore, denied.

Dated at Washington, D. C.

DEC 13 1956

FOR THE COMMISSION,

  
J. Noble Richards, Director  
Italian Claims Division



*MR*  
*B.G.*

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GPO 16-72126-1

Attorney for Claimant:

JOSEPH A. MITSCHEL, Esquire  
66-10 Forest Avenue  
Ridgewood 27, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on December 13, 1956, a certified 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 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.

Washington 25, D. C.

MAR 20 1957

*Whitney Gilliland*  
*Earl Pace*  
*Henry S. Clay*  
COMMISSIONERS