

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

IN THE MATTER OF THE CLAIM OF

HUGO WOLF
509 West 110th Street
Apartment #7H
New York 25, New York

Claim No. RUM-30,090

Decision No. RUM-150

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

GPO 16-72126-1

PROPOSED DECISION

This is a claim for one hundred fifty-five dollars (\$155.00) under the provisions of the International Claims Settlement Act of 1949, as amended, against the Government of Rumania by HUGO WOLF, for loss sustained as the owner of 50 shares of stock in "Concordia" a company organized under the laws of Rumania, as a result of the nationalization of the company.

Section 303(2) of the Act provides, inter alia, for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity amounts of claims of nationals of the United States against the Government of Rumania arising out of failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Rumania.

Since this claim is based an interest on a corporation organized under the laws of Rumania, "Concordia" itself is not qualified as a claimant under the Act as a national of the United States. Moreover, it is clear that claimant can succeed in this claim only by meeting among other things, the test provided for by Section 311(b) of the Act for claims based on interests in legal entities.

Section 311(b) of the Act provides as follows:

"A claim based upon an interest, direct or indirect, in a corporation or other legal entity which directly suffered the loss with respect to which the claim is asserted, but which was not a national of the United States at the time of the loss, shall be acted upon without regard to the nationality of such legal entity if at the time of the loss at least 25 per centum of the outstanding capital stock or other beneficial interest in such entity was owned, directly or indirectly by natural persons who were nationals of the United States."

Thus, in order for this claim to come within the purview of Section 303(2), there must be a showing that, at the time of the nationalization of "Concordia", at least 25% of its outstanding capital stock or other beneficial interest was directly or indirectly owned by natural persons who were nationals of the United States.

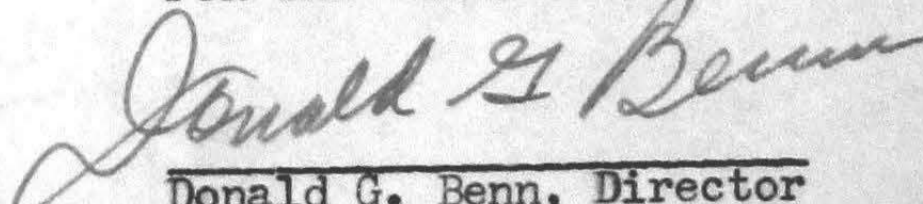
Claimant alleges that he acquired the stock which is the basis of this claim in 1937 and that he became a citizen of the United States by naturalization in 1947. He has not, however, offered any evidence concerning the percentage of ownership of the capital stock of "Concordia" by nationals of the United States on June 11, 1948, the date of nationalization of "Concordia" under law No. 119. (Official Gazette No. 133 bis).^{1/}

Accordingly, this claim is denied for the reason that it has not been established that at least 25% of the legal entity which directly suffered the loss on which this claim is based was owned by natural persons who were nationals of the United States.

Dated at Washington, D. C.

JUN 12 1957

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Claims Division

Handwritten initials: JB, WB, MK

^{1/} In 1941/42 this corporation had a capitalization of Lei 1,470,000,000 in 4,200,000 shares of stock of Lei 350 each. Assets were held by certain Rumanian, Belgian and German companies. See Compass, Rumänien, 1943, Wien, Compassverlag. P. 278, 279