

DEPARTMENT OF STATE  
INTERNATIONAL CLAIMS COMMISSION  
OF THE UNITED STATES

In the Matter of the Claim of

PETER DAMJAN JANUS

Under the Yugoslav Claims Agreement  
of 1948 and the International Claims  
Settlement Act of 1949

Docket No. Y-1721

Decision No. 377

PROPOSED DECISION

MARVEL, CHAIRMAN. This claim seeks the recovery of approximately two hundred sixty thousand dollars, the asserted value of certain real and personal property alleged to have been nationalized or otherwise taken by the Yugoslav Government.

The facts appearing in this claim immediately raise the question whether claimant qualified as to the citizenship requirement of the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949. The evidence shows that claimant became a naturalized citizen of the United States on or about July 1, 1926. His certificate of naturalization was cancelled in 1933 and claimant re-applied for citizenship in June 1950, which application is still pending.

The case of Alfonso Battaglino v. George C. Marshall, Secretary of State [172 Fed.(2d) 979; certiorari denied 338 U.S. 829] is controlling upon this Commission. The Circuit Court there held that when a naturalization is cancelled pursuant to the second paragraph of Section 15 of the Act of 1906, such cancellation makes the naturalization void and the certificate of naturalization a nullity ab initio, with the result that persons who claim citizenship through

the naturalization must be regarded as never having acquired American citizenship. As the claimant was not a national of the United States at any time between September 1, 1939 and July 19, 1948, he cannot assert a claim against the fund created by the Yugoslav Claims Agreement of 1948. The claim is denied in whole.

Commissioner McKeough concurs in the above.

Commissioner Baker likewise concurs in the above.

October 15, 1952



INTERNATIONAL CLAIMS COMMISSION OF THE UNITED STATES  
DEPARTMENT OF STATE  
Washington, D. C.

---

In the Matter of the Claim of

PETER JANUS,  
2024 South Main Street,  
Warren, Ohio.

Docket No. Y-1721

Decision No. 377

Under the Yugoslav Claims Agreement  
of 1948 and the International Claims  
Settlement Act of 1949

---

Counsel for Claimant:

ORIN DE MOTTE WALKER,  
815 Fifteenth Street, N. W.,  
Washington, D. C.

H. I. GARDNER,  
141 East Market Street,  
Warren, Ohio.

FINAL DECISION

Thirty days having elapsed since the claimant herein and the Government of Yugoslavia were notified of the Commission's Proposed Decision on the above claim, and the evidence and arguments presented at a Hearing which was afforded claimant, and the briefs filed by claimant having received due consideration, the Commission, in full and final disposition of the claim finds that Peter Janus was not a national of the United States at any time between September 1, 1939 and July 19, 1948 and, accordingly, his claim was not settled by the Yugoslav Claims Agreement of 1948 and it is not within the jurisdiction of this Commission because the Agreement of July 19, 1948 between the Governments of the United States and Yugoslavia settled "all claims of nationals of the United States"

*J. A. Kwiatk*

for the "nationalization or other taking by Yugoslavia of property and of rights and interests in and with respect to property, which occurred between September 1, 1939 and the date hereof" (July 19, 1948).

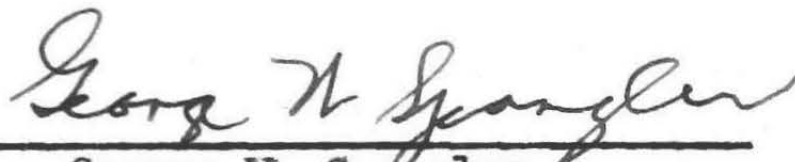
Dated at Washington, D. C.

**JUN 3 - 1954**



---

Henry J. Clay  
Acting Chairman



---

George W. Spangler  
Acting Commissioner