

DEPARTMENT OF STATE  
INTERNATIONAL CLAIMS COMMISSION  
OF THE UNITED STATES

In the Matter of the Claim of

JOSEPH and LIANA MENTON

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

Docket No. Y-435

Decision No. 39

PROPOSED DECISION

MARVEL, CHAIRMAN.            These claimants seek the recovery of eight thousand five hundred dollars (\$8,500.00), the asserted value of a debt owed to them by an enterprise nationalized by the Yugoslav Government.

The claim is before this Commission upon the proceeding of the Solicitor of the Commission pursuant to Section 300.16 of the Rules of Practice and Procedure of the Commission.

The evidence shows that claimants loaned to a Yugoslav firm a certain sum in January of 1941. The firm was nationalized by the Yugoslav Government on April 26, 1948, and the loan or debt of the claimants was acknowledged and accepted by the temporary administration of the successor enterprise in the list of creditors of the nationalized enterprise. The evidence further shows that these claimants at the time of the loan, and at the present time, are nationals of the United States.

It is the opinion of the Commission that creditors' interests were not settled or discharged by the Yugoslav Claims Agreement of

1948. Such a claim is not based upon the ownership of property or a right or interest in property. This view is fortified by that of the Senate Committee on Foreign Relations, which in its Report No. 800 stated:

. . . the claims settled do not include creditor interests. They are confined to ownership interest in property, either legal or beneficial, direct or indirect. This is consistent with traditional United States policy in connection with espousals.  
(Id. at p. 11.)

The claim is denied in whole.

April 3, 1952