

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

IN THE MATTER OF THE CLAIM OF

MARIE HAHNEL
and
GABRIELE HAHNEL
238 East 88th Street
New York 28, New York

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

Claim No. CZ- CZ-1,320

Decision No. CZ-CZ-394

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on **April 4, 1960**, a copy of which was duly served upon the claimant(s). Full consideration having been given to the objections of the claimant(s), filed within the twenty-day period after such service which has now expired, and general notice of the Proposed Decision having been given by posting for twenty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

Dated at Washington, D. C.

MAY 31 1960

Paul Lee
Robert L. Kunzig
Thos. L. Davis

COMMISSIONERS

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IN THE MATTER OF THE CLAIM OF

MARIE HAHNEL
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238 East 88th Street
New York 28, New York

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CZ-1320

Decision No. CZ- 394

GPO 942329

PROPOSED DECISION

This is a claim against the Government of Czechoslovakia under Section 404, Title IV, of the International Claims Settlement Act of 1949, as amended, by MARIE HAHNEL and GABRIELE HAHNEL, who became nationals of the United States by naturalization in the United States on June 16, 1930 and April 7, 1930, respectively.

The claim is based on the asserted nationalization or other taking of a house and garden at Duba, Czechoslovakia pursuant to the law of June 21, 1946.

The record before the Commission contains a report from the American Embassy, Praha, Czechoslovakia, dated January 11, 1952, a copy of which the claimants submitted. That report reads, in part, as follows:

With reference to the Embassy's note No. 1787 dated October 25, 1951 concerning the property of Misses Marie and Gabriele Hahnel, the Office of the Czechoslovak Government Plenipotentiary at the Ministry of Finance has the honor to state that house No. 230 with garden located at Duba has been exempted from confiscation and is considered to be the property of the above-mentioned persons.

Additionally, in correspondence with the Commission, the claimants stated that their property was originally confiscated but upon application was released. Subsequently, on two occasions when this matter was brought to the attention of the claimants and it was

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suggested that evidence be submitted to show a taking after the return of the property, the claimants stated on each occasion that their property had been confiscated under the decree of June 21, 1946. Apparently, the claimants are relying upon the original confiscation to support their allegation that their property had been taken.

Section 404 of the Act provides, inter alia, for the determination by the Commission, in accordance with applicable substantive law, including international law, of the validity and amount of claims by nationals of the United States against the Government of Czechoslovakia for losses resulting from the nationalization or other taking on and after January 1, 1945, of property, including any rights or interests therein, owned at the time by nationals of the United States.

While the claimants' property was taken, apparently in 1946, it is clear from the evidence of record that the property was returned and that title thereto was vested in the claimants as late as January 1952. There is no indication in the record, nor even an allegation, that the property was nationalized or otherwise taken after January 1952. To the contrary, the evidence herein indicates that claimants still remain the owners of the property.

The Commission finds that it has not been established that the claimants suffered any loss resulting from the taking of the property in question in 1946 or that the property was taken after its return in 1952. Accordingly, this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

Dated at Washington, D. C.

APR 4 1960

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

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