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

IN THE MATTER OF THE CLAIM OF

STEVAN BERICH  
1103 99th Avenue West  
Duluth 8, Minnesota

Claim No. IT-10,549

Decision No. IT-79-2

Under the International Claims Settlement  
Act of 1949, as amended

GPO 942329

Attorney for Claimant:

MILAN S. BALACH, Esquire  
Balach & Larson  
Beal Building  
Duluth 2, Minnesota

FINAL DECISION

The Commission issued its Proposed Decision on this claim on May 11, 1959, a certified copy of which was duly served upon the claimant. Full consideration having been given to the objections of the claimant, 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 thirty days, it is

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

ORDERED that the award granted pursuant thereto be certified to the Secretary of the Treasury.

Washington 25, D. C.

JUL 7 1959

*Whitney Gilliland*  
*Paul Pace*  
*Robert L. Kunzig*

COMMISSIONERS

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PROPOSED DECISION

This timely filed claim for \$2,500.00 is before the Commission by virtue of an amendment to Section 304 of the International Claims Settlement Act of 1949, as amended, pursuant to Section 2, Public Law 85-604.

The claim is deemed eligible for consideration for reasons set forth in the decision issued with respect to the claim of Petes Allen, (Claim No. IT-10,640, Decision No. IT-81-2), a copy of which is attached.

The claimant seeks compensation for the loss of health of his wife, a nonnational of the United States, and for medical expenses incurred during her illness which was allegedly contracted when she fled to the woods for safety when the Italian military forces invaded Dalmacija, Yugoslavia in the year 1941.

Section 304 of the aforesaid Act provides for the receipt and determination by the Commission, in accordance with the

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Memorandum of Understanding and applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Italy, arising out of the war in which Italy was engaged from June 10, 1940 to September 15, 1947, and with respect to which provision was not made in the Treaty of Peace with Italy.

The Commission has held that, under Section 304 of the Act, claims for war damages as a result of death or personal injuries, are recognized only upon a showing that they arose as a result of a violation of international law.

The Commission holds that, in the absence of evidence to the contrary, the precautionary measures taken by claimant's wife during an invasion by Italy in time of war and the illness which she allegedly contracted as a result thereof are not recognized as showing a violation of a rule or principle of international law.

Accordingly, the portion of the claim based on loss of health of claimant's wife and medical expenses incurred therefor, is hereby denied.

The record discloses that the claimant, Stevan Berich, is a citizen of the United States since his naturalization on June 3, 1955. The record further discloses that the claimant was the owner of a one-half interest in certain personal property located in Dalmacija, Yugoslavia; that said property was lost, damaged or destroyed as a result of Italian action deemed to have occurred on or about April 22, 1941, and that the portion of the claim based on such losses is compensable under Section 304 of the Act. The damages are determined to be \$1,500.00, and the claimant herein, Stevan Berich, is entitled to a one-half interest therein, in the sum of \$750.00.

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

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In the Matter of the Claim of

AWARD

It is therefore ORDERED that said claim be and the same is hereby allowed and an award made to the claimant in the sum of \$750.00, together with interest in the amount of \$315.00, being 6 percent per annum from April 22, 1941 to April 23, 1948, the date of payment by the Government of Italy of \$5,000,000 pursuant to the Memorandum of Understanding dated August 14, 1947, PROVIDED that no payment shall be made with respect to this award until payment in full, from the Italian Claims Fund created pursuant to Section 302, of the principal amounts (without interest) of all awards upon claims determined under the original provisions of Section 304.

Dated at Washington, D. C.

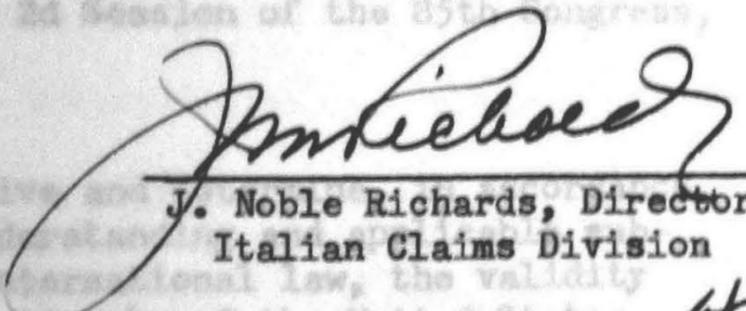
MAY 11 1959

FOR THE COMMISSION:

Prior to amendment at the 2d Session of the 85th Congress, Section 304 was as follows:

The Commission shall receive and with the Memorandum of Understanding, the substantive law, including international law, the validity and amount of claims of nationals of the United States against the Government of Italy arising out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, and with respect to which provision was not made in the Treaty of Peace with Italy.

The evidence shows that on or about the 8th day of June, 1943, one two-family house and outbuildings belonging to the claimant, located in the village of Greta, Olympia, Greece, were damaged in the sum of \$2,700.00 as a consequence of military operations in which Italy participated. This claim was denied

  
J. Noble Richards, Director  
Italian Claims Division

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