

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

IN THE MATTER OF THE CLAIM OF

SAM MOSKOWITZ and MOLLIE MOSKOWITZ
2904 Washington Boulevard
Cleveland Heights, Ohio

Claim No. CZ -3704

Decision No. CZ- ³⁸

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

PROPOSED DECISION

These are claims against the Government of Czechoslovakia under Section 404 of the International Claims Settlement Act of 1949, as amended, by SAM MOSKOWITZ and MOLLIE MOSKOWITZ.

The claims are based on the asserted nationalization or other taking in 1938 of a commercial building in Chust, formerly Czechoslovakia, now in the Union of Soviet Socialist Republics.

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.

Thus, it is clear that only those losses due to nationalization or other taking of property of United States nationals which occurred on or after January 1, 1945, come within the scope of Section 404 of the Act. Accordingly, the instant claims must

be denied for the reason that the losses as alleged, occurred in 1938.

It should also be noted that Chust is situated within an area which was occupied by the military forces of the U.S.S.R. in or about October, 1944 and which was ceded to the latter government by the Government of Czechoslovakia by treaty dated June 29, 1945. It is thus obvious that any nationalization or other taking of the property in question which occurred after January 1, 1945, cannot be attributed to the Government of Czechoslovakia. Accordingly, for the foregoing reasons, the instant claims are denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claims.

Dated at Washington, D. C.

NOV 13 1959

BY DIRECTION OF THE COMMISSION:

Francis T. Masterson

Francis T. Masterson
Clerk of the Commission

A. K. B.
WB
[Signature]
B. B.

THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON DEC 23 1959

Francis T. Masterson

Clerk of the Commission