

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

IN THE MATTER OF THE CLAIM OF

BENNO PILPEL
481 Farmington Avenue
Hartford, Connecticut

Claim No. CZ-4424

Decision No. CZ- 57

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

PROPOSED DECISION

This is a claim in the amount of Four Thousand Dollars (\$4,000.00) filed under the provisions of Section 404 of the International Claims Settlement Act of 1949, as amended, against the Government of Czechoslovakia.

Claimant states that one Carl Himmelbauer, apparently a national of Czechoslovakia, who died in 1946, was, at the time of his death, indebted to claimant in the amount of Kc 20,000, and that the Government of Czechoslovakia took over "the property and other assets of the deceased." The record further discloses that under date of May 22, 1946, claimant addressed a letter to a Consul of the Government of Czechoslovakia in which he indicated that it was his intent to "get paid the amount due ... from the assets taken over ...". There is no basis in the record, however, for concluding that claimant had legal or equitable title to any of the property of the deceased which claimant states was "taken over" by the Government of Czechoslovakia, or that any property belonging to claimant was nationalized or otherwise taken by the Government of Czechoslovakia.

Section 404 of the Act provides, in substance, that the Commission shall determine in accordance with applicable substantive law, including international law, 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 the language of Section 404 embraces only those claims which are based on the nationalization or other taking of property owned at the time by United States nationals, and conversely, that claims based on the nationalization or other taking of property owned at the time by non-nationals of the United States do not fall within the scope of the section in question.

The record in this claim fails to establish that a national of the United States owned any right or interest in the property which claimant states was taken by the Government of Czechoslovakia after the death of Carl Himmelbauer, or that any property owned by claimant or by any national of the United States was nationalized or otherwise taken by the said Government.

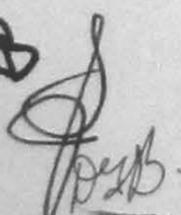
Accordingly, this claim must be and it hereby is denied.

Dated at Washington, D. C.

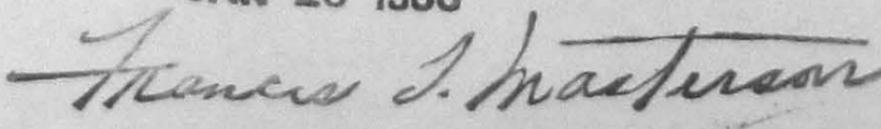
DEC 23 1959

BY DIRECTION OF THE COMMISSION:


Francis T. Masterson
Clerk of the Commission


THIS DECISION WAS ENTERED AS THE COMMISSION'S
FINAL DECISION ON

JAN 18 1960


Francis T. Masterson
Clerk of the Commission