

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

IN THE MATTER OF THE CLAIM OF

EMILE W. JUHASZ  
c/o American Consulate General  
APO 154  
New York, New York

Against the Government of Hungary

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. HUNG-20,731

Decision No. HUNG-1236

GPO 16-72126-1

FINAL DECISION

The Commission issued its Proposed Decision on this claim on **July 9, 1958**, a copy of which was duly served upon the claimant(x). No objections or request for a hearing having been filed within twenty days after such service 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.

Dated at Washington, D. C.

**AUG 27 1958**

*Whitney Gilliland* *Mr. Ladd*  
*Pearl Carter Pace* *mgs*

COMMISSIONERS



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GPO 16-72128-1

PROPOSED DECISION

This is a claim against the Government of Hungary under Section 303 of the International Claims Settlement Act of 1949, as amended, by EMILE W. JUHASZ, a national of the United States since his naturalization on March 29, 1921, based upon an endowment insurance policy issued by Berlini Victoria Altalanos Biztosito Tarsasag Magyarorszagi Vezerkepviselosege, (Berlin Victoria General Insurance Company) an insurance company having its place of business in Budapest, Hungary.

Claimant states that a twenty year endowment insurance policy in the amount of \$2,000.00 was issued to him on August 15, 1926 by the "Berlin Victoria General Insurance Company"; that said insurance policy carried a maturity date of August 15, 1946; that claimant paid premiums thereon from date of issuance to May 15, 1944; that because of prevailing conditions, he was unable to make further payments; and that he is entitled to the principal amount of the policy, i.e., \$2,000.00, less unpaid premiums from May 15, 1944 through May 15, 1946.

Section 303 of the Act provides, inter alia, that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amount

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of claims of nationals of the United States against the Government of Hungary for failure (1) to restore or pay compensation for property of nationals of the United States as required by Articles 26 and 27 of the Treaty of Peace with Hungary; (2) to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of property of nationals of the United States in Hungary; and (3) to meet certain obligations expressed in currency of the United States.

The Commission finds that the facts as alleged herein do not give rise to a compensable claim under the provisions of Section 303 of the Act.

It is clear that the claim herein does not lie under Section 303(1) of the Act, since it involves no failure on the part of the Government of Hungary to carry out the provisions of Articles 26 and 27 of the Treaty of Peace, effective September 15, 1947.

When considered under Section 303(2) of the Act, the claim is likewise found to be not compensable. While laws providing for the nationalization of certain types of property may have affected the assets of the insurance company in question, such assets, however, were not the property of the claimant and a taking thereof, if any occurred, by the Hungarian Government may not be deemed to be a taking of the claimant's property, or interest. Thus, this claim does not come within the purview of Section 303(2) of the Act.

If the claim be viewed as one based upon the failure to meet contractual obligations, the provisions of Section 303(3) of the Act would apply. Section 303(3) of the Act provides for the receipt and determination of claims against the Government of Hungary for its failure to--

meet obligations expressed in currency of the United States arising out of contractual or other rights acquired by nationals of the United States prior to ..., September 1, 1939, in the case of Hungary ..., and which became payable prior to September 15, 1947.



In order to support an award under Section 303(3) of the Act in a claim against the Government of Hungary, it must be shown, among other things, that the obligation in question was one of the Hungarian Government prior to September 1, 1939, and not one which may have been assumed at some later date. No such showing has been made in this claim.

For the foregoing reasons this claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

JUL 9 - 1958

FOR THE COMMISSION:

William Barrett  
William Barrett, Acting Director  
Balkan Claims Division

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*USA.*  
*MJS*