

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

In the Matter of the Claim of

DAVID CORN
8816 Lorain Avenue
Cleveland 2, Ohio

JULIANNA CORN
8816 Lorain Avenue
Cleveland 2, Ohio

ARANKA M. FABIAN
3322 West Boulevard
Cleveland 11, Ohio

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-22,001

Decision No. 1345

Counsel for Claimants:

John J. Stropko, Esquire
4004 Lorain Avenue
Cleveland 13, Ohio

FINAL DECISION

The Commission issued its Proposed Decision on this claim on August 21, 1958, a copy of which was duly served upon the claimants. 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 the claim, and it is further

ORDERED that the awards granted therein be certified to the Secretary of the Treasury.

Dated at Washington, D. C.

OCT 6 1958

Paul Carter Pace

Robert L. Kunzig

COMMISSIONERS

SECRETARY

AC
mgj
vsB.
mgj

R-10, H-11

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Claim No. HUNG-22,001

Decision No. *9 Aug 1949*

Counsel for Claimant:

John J. Stropko, Esquire
4004 Lorain Avenue
Cleveland 13, Ohio

PROPOSED DECISION

This is a claim against the Government of Hungary under Section 303(1) of the International Claims Settlement Act of 1949, as amended, for \$384,319.41, for loss of property in Hungary during World War II, by DAVID CORN, a national of the United States since his birth in the United States on July 23, 1890, JULIANNA CORN, a national of the United States since her marriage to the said DAVID CORN on August 11, 1917, and ARANKA M. FABIAN, a national of the United States since her birth to the parents named above.

The Commission finds that the claimants were the owners of property in Hungary which was lost, destroyed, or damaged as a result of World War II and for which loss no compensation has been paid by the Government of Hungary. The Commission further finds that the loss or damage actually sustained amounted to One Hundred Thirty-three Thousand Three Hundred Sixteen Dollars and Five Cents (\$133,316.05) in the case of DAVID CORN, Six Thousand Six Hundred Eighty-eight Dollars and Seventy-five Cents

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R-10, H-11

(\$6,688.75) in the case of JULIANNA CORN, and Two Thousand Two Hundred Eighty-eight Dollars and Forty-five Cents (\$2,288.45) in the case of ARANKA M. FABIAN, and concludes that claimants are entitled to awards under Section 303(1) of the Act in the amounts of Eighty-eight Thousand Two Hundred Ten Dollars and Seventy Cents (\$88,210.70), Four Thousand Four Hundred Fifty-nine Dollars and Seventeen Cents (\$4,459.17), and One Thousand Five Hundred Twenty-five Dollars and Sixty-three Cents (\$1,525.63), respectively, since under this Section awards are limited to two-thirds of the loss or damage actually sustained.

Each of the claimants also makes claim for the equivalent of 150,000 forints for loss of health, and an equal amount for moral indemnification. The Commission finds that this portion of the claim is not within the purview of Section 303 of the Act, which provides for claims against the Government of Hungary, among others, (1) for confiscation, damage, or destruction of property in Hungary for which provision was made in articles 26 and 27 of the treaty of peace with Hungary, (2) for the nationalization or other taking of property in Hungary, and (3) for the failure of the Government of Hungary to meet certain contractual obligations expressed in currency of the United States. This portion of the claim does not involve a property loss as contemplated under articles 26 and 27 of the treaty of peace with Hungary; nor does it constitute a claim for the nationalization or other taking of property; and the circumstances herein do not give rise to a claim for the failure of the Government of Hungary to meet its contractual obligations expressed in currency of the United States. Accordingly, it must be denied.

A W A R D S

Pursuant to the provisions of the International Claims Settlement Act of 1949, as amended, an award is hereby made to DAVID CORN in the

amount of Eighty-eight Thousand Two Hundred Ten Dollars and Seventy Cents (\$88,210.70);

and an award is made to JULIANNA CORN in the amount of Four Thousand Four Hundred Fifty-nine Dollars and Seventeen Cents (\$4,459.17);


and an award is made to ARANKA M. FABIAN in the amount of One Thousand Five Hundred Twenty-five Dollars and Sixty-three Cents (\$1,525.63).

Payment of any part of these awards shall not be construed to have divested the claimants herein, or the Government of the United States on their behalf, of any rights against the Government of Hungary for the unpaid balance of their claim, if any.

Dated at Washington, D. C.

AUG 21 1958

FOR THE COMMISSION:


Donald G. Benn, Director
Balkan Division

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WB
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