

C.R.
J.P.
P.C.

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

IN THE MATTER OF THE CLAIM OF

JOSEF KARMAN, also known as
JOSEF ISRAEL KARMANN
4440 Ambrose Avenue
Los Angeles, California

Claim No. IT-10,008

Decision No. IT-16-2

Under the International Claims Settlement
Act of 1949, as amended

GPO 942329

Attorney for Claimant:

JOSEPH FRIEDMAN, Esquire
1123 C. C. Chapman Building
756 South Broadway
Los Angeles 14, California

FINAL DECISION

The Commission issued its Proposed Decision on this claim on May 20, 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.

Washington 25, D. C.

JUL 17 1959

Whitney Hilliland

Paul Pace

Robert L. Kunzig

COMMISSIONERS

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WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

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756 South Broadway
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PROPOSED DECISION

This timely filed claim for \$13,847.84 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.

This claim was previously denied for the reason that it did not meet the necessary nationality requirements under Section 304 of the Act in that said claim was not continuously owned by a national of the United States from the date of loss to the date of filing. Since the claim was denied for the foregoing reason, other factors with respect to claimant's eligibility were not considered, nor was the Commission required to do so.

On August 8, 1958, the following amendment to Section 304 (Sec. 2, Public Law 85-604, 72 Stat. 531) was approved:

Section 304 of the International Claims Settlement Act of 1949, as amended, is amended by adding at the end thereof the following: "Upon payment of the principal amounts (without interest) of all awards from the Italian Claims Fund

created pursuant to Section 302 of this Act, the Commission shall determine the validity and amount of any claim under this section by any natural person who was a citizen of the United States on the date of enactment of this title and shall, in the event an award is issued pursuant to such claim, certify the same to the Secretary of the Treasury for payment out of remaining balances in the Italian Claims Fund ----."

The Commission has construed the language in the amendment as requiring it to "determine the validity and amount of any claim" of persons who were citizens of the United States on August 9, 1955, notwithstanding the fact that the claim may have been denied under Section 304 of the Act prior to the amendment for reasons other than claimant's failure to meet the test of nationality.

In the light of the foregoing, the claim has been re-examined and it has been determined that the claimant herein, Josef Karman, is a citizen of the United States since his naturalization on August 22, 1952.

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

Under Article 78 of the Treaty of Peace the Government of Italy undertook, among other things, to restore all legal rights and interests in Italy of United Nations nationals as they existed on June 10, 1940; to return all property in Italy of the United Nations nationals as they existed on the date of said Treaty, September 15, 1947; and, in cases where the property could not be returned, or where, as a result of the war, a United Nations national had suffered a loss by reason of

injury or damage to property in Italy, to pay compensation in accordance with the terms of the Treaty.

The records disclose that claimant requested compensation under Article 78 of the Peace Treaty for damages sustained as a result of the seizure, by Italian Government authorities in Trieste, Italy, of the property which is the basis of the instant claim and that his claim has been favorably decided by said Government of Italy.

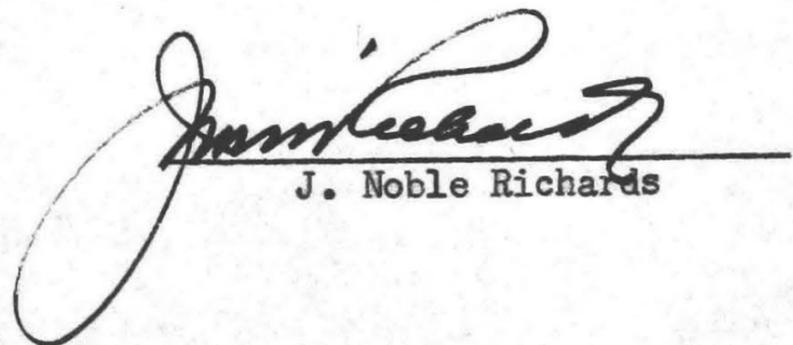
Inasmuch as provision was made for such claims in the Treaty of Peace, the Commission finds that the claim is not compensable under the provisions of Section 304 of the Act.

Accordingly this claim must be and is hereby denied.

Dated at Washington, D. C.

MAY 20 1959

FOR THE COMMISSION:


J. Noble Richards

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MAY 13 1959
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