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

IN THE MATTER OF THE CLAIM OF

JACOB KRISTAN
51-01 39th Avenue
Long Island City 4, New York

Claim No. IT-10,028

Decision No. IT-285

Under the International Claims Settlement
Act of 1949, as amended

GPO 16-72126-1

Attorneys for Claimant:

WIEN, LANE, KLEIN & PURCELL
Lincoln Building
60 East 42nd Street
New York 17, New York

FINAL DECISION

The Commission issued its Proposed Decision on this claim on September 18, 1957, a certified copy of which was duly served upon the claimant. 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.

Washington 25, D. C.

DEC 4 1957

Whitney Hilliland

Paul Rice

Henry S. Clay

COMMISSIONERS

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

In the Matter of the Claim of

JACOB KRISTAN
51-01 39th Avenue
Long Island City 4, New York

Claim No. IT-10,028

Decision No. IT-285

Under Section 304 of the International
Claims Settlement Act of 1949, as amended

Attorney for Claimant:

RICHARD M. KLEID, Esquire
Wien, Lane, Klein & Purcell
Lincoln Building
60 East 42nd Street
New York 17, New York

PROPOSED DECISION

This is a claim for \$21,251.00 by Jacob Kristan, a citizen of the United States since January 8, 1934, the date of his naturalization, and is for property losses sustained in Orehek, Postojna, Yugoslavia, as a result of the war in which Italy was engaged from June 10, 1940 to September 15, 1947.

Section 304 of the 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.

Pursuant to Article XI of the Treaty of Peace, Italy ceded certain defined territories of which Orehek, Postojna was a part, to Yugoslavia.

Under Paragraph 7 of Article 78 of the said Treaty of Peace, the Government of Italy agreed to compensate United Nations nationals for property losses sustained during the war in ceded territories and the Free Territory of Trieste.

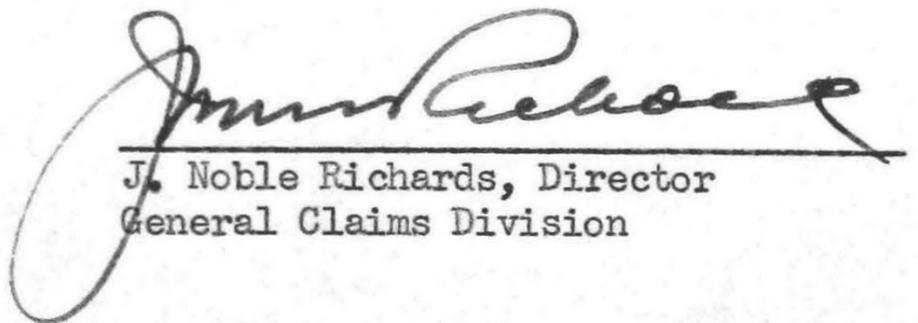
Since provision for such claims was made in the Treaty of Peace with Italy, the Commission finds that the claim is not compensable under the provisions of Section 304 of the Act.

For the foregoing reason, the claim must be, and is hereby denied. Other elements bearing upon eligibility have not been considered.

Dated at Washington, D. C.

FOR THE COMMISSION:

SEP 18 1957



J. Noble Richards, Director
General Claims Division