

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LAZAR ZOGRADOV

Claim No. BUL-2-056

Decision No. BUL-2- 24

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

George D. Matzureff, Esq.

PROPOSED DECISION

This claim, for an unstated sum, against the Government of Bulgaria under Section 303(4), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted loss of a building parcel in Sofia, a house, building parcel and land in Bansko, all in Bulgaria, and the unpaid balance of an award granted under Section 303(2) of the International Claims Settlement Act of 1949, as amended. The claimant, LAZAR ZOGRADOV, has been a national of the United States since his naturalization on January 20, 1930.

The claimant also filed a claim under Section 303(2) of the Act, supra (Claim No. BUL-1,132), based in part upon the identical property claimed herein, in connection which an award was granted to the claimant in the principal amount of \$3,000.00 plus interest. That file has been associated with this claim for reference.

Under Section 303, Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955), 22 U.S.C. §§1641-1641q (1964)), as further amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), the Commission is given jurisdiction over certain claims of nationals of the United States included within the terms of the Bulgarian Claims Agreement of 1963 (Agreement

Between the Government of the United States of America and the Government of the People's Republic of Bulgaria Regarding Claims of United States Nationals and Related Financial Matters, July 2, 1963, 14 UST 969; TIAS 5387 (1963)).

The jurisdiction of the Commission is set forth in Section 303(4) of the Act, supra, which authorizes the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amount of claims of nationals of the United States against the Government of Bulgaria arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955 and July 2, 1963, the effective date of the Bulgarian Claims Agreement.

It is clear, therefore, that this new section of the Act does not confer jurisdiction upon the Commission to consider all claims which were settled and discharged under the Bulgarian Claims Agreement of 1963 but rather, provides for a limited class only, namely, those which arose between August 9, 1955 and July 2, 1963, as a result of the nationalization, compulsory liquidation, or other taking of property.

It is important to note that other classes of claims settled and discharged by the Agreement which arose prior to August 9, 1955 were provided for pursuant to Subsection (1), (2) and (3) of Section 303 of the Act, supra. That program was completed on August 9, 1959 pursuant to an express statutory mandate.

Additionally, under well established principles of international law, in order for a claim to be compensable, the property upon which the claim is based must have been owned by a national of the United States on the date that it was taken and the claim which arose from

such taking must have been continuously owned thereafter by a United States national until its filing with the Commission.

This is also clear from Article I(2) of the Bulgarian Claims Agreement of 1963 which provides that the term "claims of nationals of the United States of America" as used in subparagraph (b), which relates to claims for the nationalization, compulsory liquidation, or other taking of property, refers to claims which were owned by nationals of the United States of America "on the effective date of nationalization, compulsory liquidation, or other taking and continuously thereafter until filed with the Government of the United States of America."

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim.  
(FCSC Reg., 45 C.F.R. §531.6(d) (1970).

No evidence was submitted with the Statement of Claim. Therefore, by Commission letter of September 18, 1970, the claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act, supra, and the sources from which it may be obtained. No reply was received, nor was any documentation submitted.

Thereafter, by letter of November 17, 1970, the claimant was advised that this matter had been reached for determination. In that letter it was again suggested that supporting evidence be submitted within 30 days from the date thereof and the claimant was informed that after that date it may become necessary for the Commission to make a determination on the basis of the record then available. No reply or evidence has been received to date.

The Commission finds that the claimant has not met the burden of proof in that he has failed to establish that he owned property in Bulgaria which was nationalized or otherwise taken by the Government of that

country between August 9, 1955, and July 2, 1963, as required for compensation.

Payment of any portion of the unpaid balance of an award issued under Section 303(2) of the Act, supra, in the course of the claims program completed on August 9, 1955, does not need a redetermination of the claim by this Commission. Any such additional payment which may be due is governed by Section 310(a)(6) of the Act.

In view of the foregoing, this claim must be and it is hereby denied.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

JAN 20 1971

CERTIFICATION  
This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on MAR 12 1971  
Francis Macfarlane  
Clerk of the Commission

Lyle S. Garlock  
Lyle S. Garlock, Chairman

Theodore Jaffe  
Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended.)

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