

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

IN THE MATTER OF THE CLAIM OF

EVA TOMAN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. G-0275

Decision No. G-1200

PROPOSED DECISION

This claim in an unstated dollar amount against the Government of the German Democratic Republic, under Title VI of the International Claims Settlement Act of 1949, as amended by Public Law 94-542 (90 Stat. 2509), is based upon the loss of four parcels of land located in Czechoslovakia.

The record indicates that claimant became a United States citizen on September 2, 1938.

Under section 602, Title VI of the Act the Commission is given jurisdiction as follows:

"The Commission shall receive and determine in accordance with applicable substantive law, including international law, the validity and amounts of claims by nationals of the United States against the German Democratic Republic for losses arising as a result of the nationalization, expropriation, or other taking of (or special measures directed against) property, including any rights or interests therein, owned wholly or partially, directly or indirectly, at the time by nationals of the United States whether such losses occurred in the German Democratic Republic or in East Berlin. . ."

Section 603 of Title VI of the Act limits the Commission's jurisdiction as follows:

"A claim shall not be favorably considered under section 602 of this title unless the property right on which it is based was owned, wholly or partially, directly or indirectly, by a national of the United States on the date of loss; and if favorably considered, the claim shall be considered only if it has been held by one or more nationals of the United States continuously from the date that the loss occurred until the date of filing with the Commission."

Claimant asserts that the subject property was taken in 1952 by the government in Czechoslovakia.

To be compensable under the Act, certain conditions must be met. The statute requires that the loss must have occurred in the German Democratic Republic or in East Berlin. Additionally, the loss must be the responsibility of the German Democratic Republic. The loss for which claim is made herein occurred in Czechoslovakia.

Therefore, the property not being located in the German Democratic Republic or in East Berlin and the loss thereof not being the responsibility of that government, the claim under the present Act must be and hereby is denied.

The Commission finds it unnecessary to make determinations concerning any other elements of this claim.

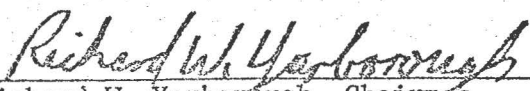
For the above cited reasons, the claim must be and hereby is denied.

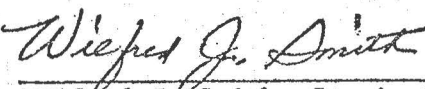
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

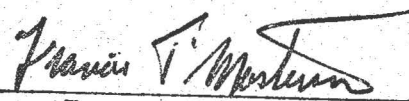
Dated at Washington, D.C.
and entered as the Proposed
Decision of the Commission.

AUG 22 1979

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on SEP 20 1979


Richard W. Yarborough, Chairman


Wilfred J. Smith, Commissioner


Executive Director

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).