

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

IN THE MATTER OF THE CLAIM OF

STEVEN MEDEY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-004

Decision No. HUNG-2-006

PROPOSED DECISION

This claim for \$40,000.00, against the Government of Hungary, under subsection 303(5), Title III of the International Claims Settlement Act of 1949, as amended by Public Law 93-460, approved October 20, 1974, is based upon the asserted loss of improved real property and personal property located at 68 Kulturhaz Street, Kisbacsza, Győr, Hungary. The claimant, STEVEN MEDEY, states that he acquired nationality of the United States by naturalization on November 18, 1963.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. §§1641-1641q (1971)), as amended by section (3) of Public Law 93-460, approved on October 20, 1974 (88 Stat. 1386 (1974)), and which implements certain provisions of the Hungarian Claims Agreement of March 6, 1973, (TIAS 7569), 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 of nationals of the United States against the . . . [Government of Hungary] . . . arising out of the failure to ---

(5) pay effective compensation for the nationalization, compulsory liquidation or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and the date the United States-Hungarian Claims Agreement of March 6, 1973, enters into force.

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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 Hungarian Claims Agreement of 1973, but rather, provides for a limited class only, namely, those which arose between August 9, 1955, and March 6, 1973, 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 subsections (1), (2), and (3) of Section 303 of the Act, supra. The Commission's authority with respect to claims arising before August 9, 1955, under Public Law 84-285, expired, by law, on August 9, 1959.

Claimant, STEVEN MEDEY, stated at the time of filing that the property upon which his claim was based was confiscated on February 4, 1949, by the Hungarian Government pursuant to Law No. 16/1949. In support of this statement claimant submitted evidence, namely, a copy of a Public Notice appearing in the Győr-County newspaper, dated February 4, 1949, which states that properties of STEVEN (Istvan) MEDEY were confiscated by the Hungarian Government pursuant to Law No. 16/1949.

In view of the foregoing, the Commission finds that it has no jurisdiction to grant compensation in this claim because the property involved in the claim was confiscated by the Government of Hungary prior to August 9, 1955, and therefore the claim did not arise between August 9, 1955, and March 6, 1973, the period covered by Section 303(5) of the Act, supra, as required for compensation.

Moreover, under well established principles of international law, applicable to this claim under Section 303 of the Act, 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 at the time the nationalization or other taking occurred and the claim which arose therefrom must have been continuously owned thereafter by a United States national until its filing with the Commission.

It is stated by the claimant that he acquired United States citizenship on November 15, 1963.

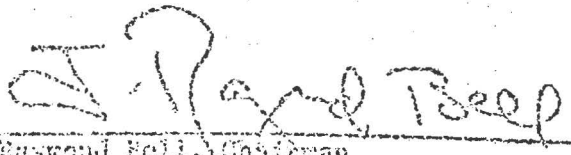
In view of such statement, the Commission concludes that the property, which is the subject of this claim was not owned by a national or nationals of the United States on the date of the asserted taking on February 4, 1949, as required for compensation under the provisions of the Act.

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

23 APR 1975


J. Raymond Bell, Chairman

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 18 JUN 1975


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 to this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service of receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5 (e) and (g), as amended.)