

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

IN THE MATTER OF THE CLAIM OF

IRENE TAKACS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-097

Decision No. HUNG-2-0990

PROPOSED DECISION

This claim in the asserted amount of \$117,000.00 against the Government of Hungary, under subsection 303(5), Title III of the International Claims Settlement Act of 1949, as amended, is based upon the loss of certain furniture, equipment of a kindergarten and loss of income from the latter, all in Debrecen, Hungary.

Claimant, IRENE TAKACS, acquired United States nationality on December 7, 1913, by virtue of her birth in the United States.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. subsections 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.

Therefore, 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, IRENE TAKACS, stated at the time of filing that the equipment of the kindergarten was taken by the Government of Hungary in the year of 1949. Since the claimant resided in Hungary at that time, it is reasonable to find that such information is based upon personal knowledge.

In view of the foregoing, the Commission finds that it has no authority to grant compensation for the loss of the equipment of the kindergarten in Debrecen because its loss occurred in the year of 1949, a date prior to August 9, 1955, the first date of the period during which the loss must have occurred in order to be compensable under subsection 303(5) of the Act, supra.

Similarly, the loss of income caused by the taking of the equipment of the kindergarten in 1949, is not compensable under subsection 303(5) of the Act, supra, because the use of the equipment in question belonged to the Government of Hungary by virtue of its taking in 1949, and not to the claimant, and for such reason no loss of income was sustained by the claimant after 1949.

The remaining portion of the claim is based upon the loss of certain furniture in Debrecen. It is stated by the claimant that in the year of 1956 she had to sell some antique furniture with a great loss because the Government of Hungary took one-half of her apartment and she had no place to store the furniture in question. Such loss,

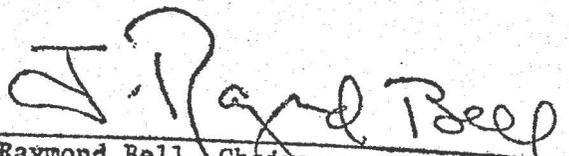
if any, was indirectly caused by an action taken by the Government of Hungary within its power to distribute the available dwelling space among the members of its population, an action which does not amount to a "nationalization or other taking" of property, as required for compensation under subsection 303(5) of the Act, supra.

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

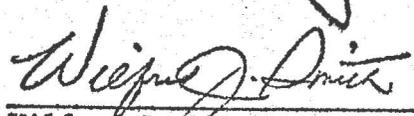
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

25 AUG 1976



J. Raymond Bell, Chairman



Wilfred J. Smith, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as decision on 28 SEP 1976



Francis T. Masterson
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.)

The regulations also provide that after a Final Decision is entered denying a claim in whole or in part, the claimant may petition to have his claim reopened for further consideration if new and compelling evidence becomes available. Such petition must be filed at least 60 days prior to May 15, 1977, the statutory deadline for the completion of the Hungarian Claims Program. (FCSC Reg., 45 C.F.R. 531.5(1), as amended.)