

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

IN THE MATTER OF THE CLAIM OF

STEPHAN GRANT

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-1233

Decision No. HUNG-2-0471

Appeal and objection from a Proposed Decision entered on January 7, 1976. No Oral Hearing Requested.

Hearing on the Record held on 21 APR 1976

FINAL DECISION

This claim in the asserted amount of \$80,000.00 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 improved real property at Selyem utca 1, Nyiregyhaza, Hungary.

By Proposed Decision dated January 7, 1976, this claim was denied for the reason that it was received by the Commission on July 7, 1975, and therefore subsequent to May 15, 1975, the statutory deadline for filing claims against Hungary under Public Law 93-460. Moreover, the Commission noted that claimant stated that the property on which this claim is based was nationalized in 1952, and that since the Commission's jurisdiction was limited to claims arising during the statutory period August 9, 1955, to March 6, 1973, the claim for such loss would not be compensable even if it were held to have been filed in a timely manner.

By letter dated January 20, 1976, claimant objected to the Proposed Decision of the Commission stating that the reason that his claim was not filed in a timely manner, was because his

attorney had sent materials relating to his claim to the Commission but that these papers were returned. No new evidence, however, was submitted in support of this contention.

The record in this claim does contain a letter dated December 3, 1975, signed by a Dr. Andrew J. Erdely, Economist, who states that he prepared the claim of STEPHAN GRANT, and that the "petition was mailed by Mr. Grant before May 15, 1975, by regular mail" and that the letter was returned. No reason was given for the letter being returned nor was the basis for Dr. Erdely's knowledge of these facts stated.

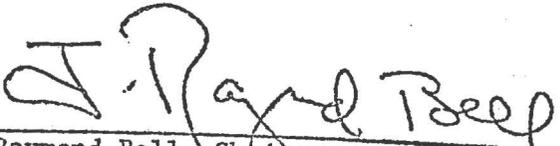
Therefore, full consideration having been given to the entire record, including the claimant's objections, the Commission finds that the evidence of record does not warrant any change in the Proposed Decision.

Accordingly, it is

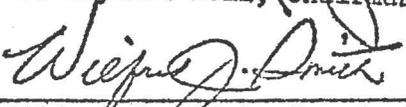
ORDERED that the Proposed Decision be and it is hereby affirmed.

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

21 APR 1976



J. Raymond Bell, Chairman



Wilfred J. Smith, Commissioner

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PROPOSED DECISION

This claim in the asserted amount of \$80,000.00 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 improved real property at Selyem utca 1, Nyiregyhaza, Hungary.

Subsection 306(c) of the Act provides:

Within thirty days after enactment of this subsection, or thirty days after enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under paragraph (5) of section 303, whichever date is later, the Commission shall publish in the Federal Register the time when, and the limit of time within which, claims may be filed with the Commission under paragraph (5) of section 303, which limit shall not be more than six months after such publication.

Public Law 93-460, which added subsection 306(c), was enacted on October 20, 1974, and on November 15, 1974, the Commission published in the Federal Register of that date, 39 Fed Register 222 (1974), public notice that the period for filing claims against the Government of Hungary as authorized by Public Law 93-460, commenced on November 15, 1974, and that six months thereafter, in accordance with the provisions of subsection 303(c) of the Act, the period for filing claims would expire on May 15, 1975. In the Federal Register dated November 15, 1974, 39 Fed. Reg. 222 (1974), the Commission published amendments to its regulations (FCSC Reg., 45 C.F.R., Chapter V) which included:

§531.1 Time for filing.

(h) Claims against the Government of Hungary, in accordance with the Hungarian Claims Agreement of March 6, 1973, subsection (5) of section 303, and claims referred to under subsection (d) of section 306, Title III of the International Claims Settlement Act of 1949, as amended by Pub. L. 93-460, approved October 20, 1974, must be filed with the Commission on or before May 15, 1975.

To comply with the Congressional intent that all possible claimants be notified of the Agreement and of the period for filing of claims under the Agreement, the Commission took further action in that regard. Press releases concerning the claims program and filing period were forwarded to national and local press services and to newspapers, including foreign language newspapers. Certain organizations and interested ethnic groups were also notified and in certain instances representatives of the Commission appeared before such groups to explain the provisions of the Agreement and the procedures for filing claims.

The Commission's records reflect that the instant claim was received by the Commission on July 7, 1975, and that no prior correspondence was received by the Commission with respect to claimant's intent to file under Public Law 93-460.

Subsection 531.2 of the Regulations of the Commission provides that:

(j) Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period. (FCSC Reg. 45 C.F.R. 531.2 (1974))

Pursuant thereto, the Commission holds that a communication to it, within 30 days prior to midnight May 15, 1975, indicating an intent to file a claim under Title III of the International Claims Settlement Act of 1949, as amended by Public Law 93-460, is sufficient to preserve, for 30 days, the right to complete and file a properly executed claim form provided by the Commission.

The terminal date of filing claims is a statutory limitation and the Commission, having exercised its discretionary power to the allowable limit, has no authority to waive or extend it.

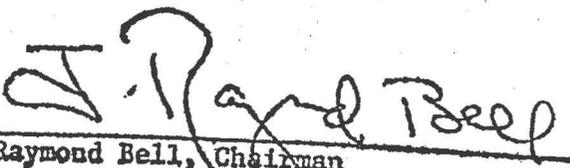
Accordingly, the Commission finds that this claim was not timely filed and is therefore denied.

The Commission notes that on the Statement of Claim filed the claimant stated that the property on which this claim is based was nationalized in 1952 pursuant to Decision N-82 by the State of Hungary. Accordingly, since the Commission's jurisdiction under subsection 303(5) of the Act, supra, is limited to claims arising during the period August 9, 1955, to March 6, 1973, the claim for such loss would not be compensable even if it were held to be filed in a timely manner.

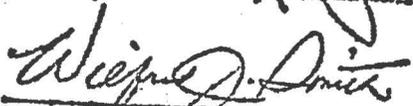
The Commission deems it unnecessary to consider other elements of this claim.

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

7 JAN 1976



J. Raymond Bell, Chairman



Wilfred J. Smith, 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.)