

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

SUSANNA GALLE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-528

Decision No. HUNG-2-0450

PROPOSED DECISION

This claim in the asserted amount of \$48,000.00, 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 asserted loss of certain improved real property at No. 4/a Bikszadi Street in Budapest XI, Hungary. By letter dated November 14, 1975, claimant withdrew a portion of the claim, based upon a 1/4 interest in the improved real property at No. 13 Serleg Street in Budapest XI.

Claimant states that she acquired United States nationality on June 21, 1962, by naturalization.

Under section 303, Title II 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.

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.

In support of her claim the claimant, SUSANNA GALLE, submitted a certified copy of land record Liber 25,758 of Budapest, Right Bank of the Danube, which shows that Lot No. 3206/1, also known as the real property at No. 4/a Bikszádi Street, was nationalized by the Government of Hungary in the year of 1952.

In view of the foregoing, the Commission concludes that it does not have jurisdiction to grant compensation for the loss of the property at No. 4/a Bikszádi Street in Budapest XI, because it was nationalized by the Government of Hungary in the year of 1952, 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.

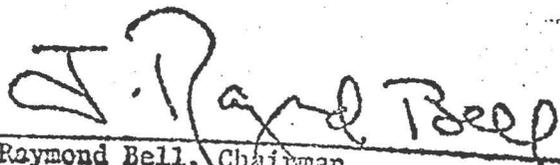
The compensability of a claim is controlled by the fact that the subject property was nationalized by the Government of Hungary and thereby the former owner sustained a loss on a certain date. Such fact, namely, the date of such loss is not affected in any way by lack of notification to the former owner. Therefore, claimant's contention that she was not notified of the nationalization of the real property at No. 4/a Bkiszádi Street does not alter the fact that the property was nationalized in 1952.

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

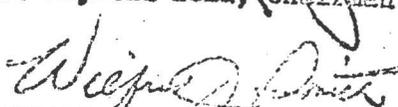
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

7 JAN 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 the final
decision on 11 FEB 1976



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.)