

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

IN THE MATTER OF THE CLAIM OF

ISTVAN MOLNAR

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-610

Decision No. HUNG-2-0945

PROPOSED DECISION

This claim in the asserted amount of \$14,696.00 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 old age pension benefits due from the Government of Hungary.

Claimant, ISTVAN MOLNAR, states that he acquired United States nationality on April 6, 1972, by naturalization.

Under section 303, Title III of the International Claims Settlement Act of 1949, (69 Stat. 570 (1955)); 22 U.S.C. subsections 1641-1641g (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.

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, ISTVAN MOLNAR, that he paid premiums to the Hungarian State Pension Fund for 36 years on account of his employment by the Royal Hungarian Navy (Folyamorseg), Ministry of Industry (Iparugyi Miniszterium), Sash & Lumber Wholesale Co. (Fureszaru Es Fa Nagkereskedelmi Vallalat), Lady's Lingerie Mfg. Co. (Noi Fehernemu Gyar) and RICO Medical Bandage Mfg. Co. (RICO Kotszermuvek) between October 1928 and September 1964.

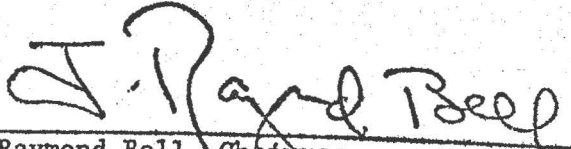
A review of Hungarian laws and statutes shows that under section 29(1) of Decree 67/1958.(XII.24.) Korm., issued to enforce the provisions of Law-Decree 1958:40 tvr. on the old age pension of the workers, the right to old age pension benefits lapses if there is a period of more than five years between the last day of employment and the date when retirement age is reached, which is 60 years for men. The claimant was born July 3, 1910. The claimant was employed in Hungary in September 1964. He would not have been eligible for retirement until July 3, 1970, the date when he became 60 years old. Therefore, a period of more than five years elapsed between the last date of employment and the date that he reached retirement age. Accordingly, the Commission finds that the claimant's right to old age retirement benefits lapsed under Hungarian law in September 1969.

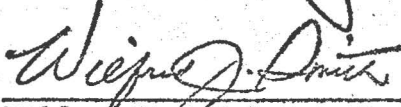
In view of the foregoing, the Commission concludes that it has no authority to grant compensation for the loss complained of, because the claimant's right to old age benefits lapsed under Hungarian law in September 1969, a date when the claimant, the owner of such right, was not a national of the United States as required for compensation under subsection 303(5) of the Act, supra. Accordingly, 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.

28 JUL 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 8 SEP 1976


Francis T. Martin
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.)