

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

IN THE MATTER OF THE CLAIM OF

ROSA ROSENBERG

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. HUNG-2-795

Decision No. HUNG-2-0164

Appeal and objection from a Proposed Decision entered on September 17, 1975. No Oral Hearing Requested.

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Hearing on the Record held on 21 JAN 1976

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FINAL DECISION

This claim in the asserted amount of \$30,000.00, 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 an apartment house and lot located at 21 Becsi ut., Budapest, Hungary. Claimant stated that she acquired United States nationality on June 25, 1962, by naturalization.

In its Proposed Decision dated September 17, 1975, the Commission denied this claim for the reason that the evidence of record established that the subject property was taken in 1952, and therefore, prior to the statutory period, August 9, 1955, to March 6, 1973, during which the claim must have arisen in order for compensation to be granted under subsection 303(5) of the Act. Moreover, the Commission found that the claimant was not a national of the United States on the date of the taking as also required for compensation under the Act.

By letter dated September 27, 1975, claimant objected to the Proposed Decision. Claimant submitted no additional evidence in support of her objection. However, she informed the Commission that she now believes that the property on which her claim is based was taken in 1959. In view of the fact that claimant asserts that she

acquired United States nationality on June 25, 1962, the Commission would not have authority to grant an award in this claim even were the 1959 asserted date supported by probative evidence in the record.

Claimant also asserts that since in 1959 she had been the holder of a "Green Card" as a resident in the United States for two years, her United States nationality was established on the asserted date of loss in 1959.

The Commission, however, has held that an alien acquires United States nationality only upon issuance of a valid Certificate of Naturalization, issued by a court of competent jurisdiction, and that the term "persons who owe permanent allegiance to the United States" is limited to persons born in outlying possessions of the United States or born elsewhere of parents who possess that status. (See Claim of Edward Krukowski, Claim No. PO-9532, Decision No. PO-927, FCSC Dec. and Ann. p. 459, (1968).

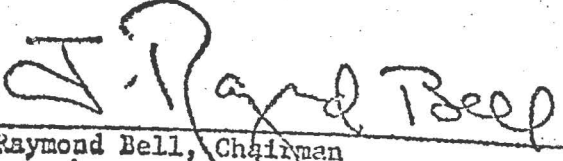
Full consideration having been given to the entire record, including the claimant's objections, the Commission finds that the evidence of record does not warrant any change in the Proposed Decision.

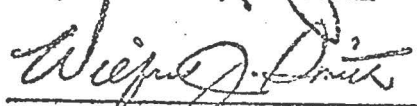
Accordingly, it is

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 JAN 1976

  
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J. Raymond Bell, Chairman

  
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Wilfred J. Smith, Commissioner

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

IN THE MATTER OF THE CLAIM OF

ROSA ROSENBERG

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. HUNG-2-795

Decision No. HUNG-2- 0164

PROPOSED DECISION

This claim in the asserted amount of \$30,000.00 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 an apartment house and lot located at 21 Becsi ut., Budapest III, Hungary.

Claimant states that she acquired United States nationality on June 25, 1962, by naturalization.

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.

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.

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.

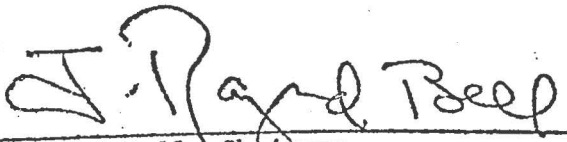
At the time of filing, claimant, ROSA ROSENBERG, stated that the property upon which her claim is based was nationalized in 1952, and that she became a national of the United States on June 25, 1962.

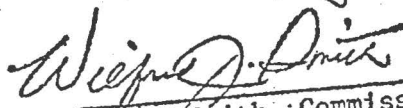
Based upon this statement and an affidavit dated May 7, 1975, signed by the claimant, ROSA ROSENBERG, which was submitted in support of this claim, the Commission finds that the property identified as an apartment house located at 21 Becsi ut., Budapest III, was nationalized in 1952, and therefore, the Commission has no jurisdiction to grant an award in this claim for the reasons that the claim did not arise during the statutory period, August 9, 1955, to March 6, 1973, nor was the subject property owned by a national of the United States on the date of loss in 1952, as required for compensation under the Act. Accordingly, 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.

17 SEP 1975

  
\_\_\_\_\_  
J. Raymond Bell, Chairman

  
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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.)

HUNG-2-795