

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

IN THE MATTER OF THE CLAIM OF

PAUL J. STAMATIADIS

Under the International Claims Settlement Act of 1949, as amended

Claim No. IT-2-006

Decision No. IT-2-1

PROPOSED DECISION

This claim for \$6,666.00, against the Government of Italy, under Section 304(c), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted damage to real property and destruction of personal property in the Town of Aperion, on the Island of Karpathos, one of the Dodecanese Islands. The claimant, PAUL J. STAMATIADIS, states that he has been a citizen of the United States since his naturalization on February 27, 1956.

The claimant also filed a claim under Title II of the War Claims Act of 1948, as amended by Public Law 87-846 (Claim No. W-1612), based upon the identical property claimed herein which was denied. That file has been associated with this claim for reference.

Section 304(c), Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955); 22 U.S.C. §§1641-1941q (1964)), as amended by Section 11 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), provides as follows:

(c) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and the date of enactment of this subsection, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: Provided, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

Thus, in order for the Commission to favorably consider claims under Section 304(c) of Title III of the Act, it must be established, among other things, that the claim arising out of the damage or destruction of property in territory ceded by Italy pursuant to the treaty of peace with Italy was owned by a national of the United States on September 3, 1943.

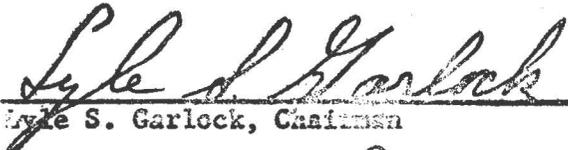
The property, for the damage or destruction of which this claim is made, is stated as having been situated in the Town of Aperion, on the Island of Karpathos, one of the Dodecanese Islands ceded by Italy to Greece pursuant to Article 14 of the treaty of peace with Italy, signed at Paris, France, on February 10, 1947 and effective September 15, 1947 (61 Stat. 1245, TIAS 1648). However, it is also stated by the claimant that he acquired citizenship of the United States by naturalization on February 27, 1956.

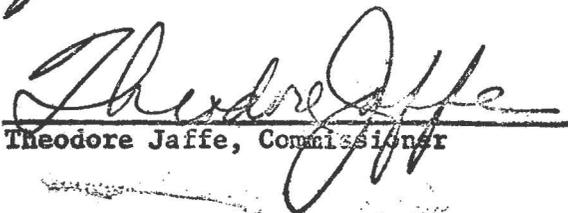
In view of such statement, the Commission concludes that the claimant, as the asserted owner of the subject property and of the claim for its damage or destruction, was not a national of the United States on September 3, 1943, as required for compensation of a loss under the provisions of the Act discussed above. 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

9 SEP 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 13 OCT 1970


Clerk of the Commission

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, 32 Fed. Reg. 412-13 (1967).)

IT-2-006