

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON, D.C. 20579

THE MATTER OF THE CLAIM OF

EUGENE L. BEYL

Claim No. RUM-2-036

Decision No. RUM-2-004

under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered on September 9, 1970.

No oral hearing requested. Hearing on the record held on October 7, 1970

FINAL DECISION

The Commission issued its Proposed Decision on this claim on September 9, 1970. In its Proposed Decision the Commission held that its jurisdiction is limited by Subsection (4) of Section 303 of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955); 22 U.S.C. §§1641-1641q (1964)), as amended by Section 10 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 20 (1968)), to those claims which arose out of the nationalization, compulsory liquidation, or other taking of property between August 9, 1955, and March 30, 1960, and that it has no jurisdiction to receive and determine claims for other losses such as the failure of the Government of Rumania to pay its bond obligation, a contractual right expressed in currency of the United States. Accordingly, this claim was denied.

In its Proposed Decision the Commission also noted that claims based upon bonds guaranteed by the Government of Rumania, which are the subject of this claim, were provided for in a previous claims program administered by the Commission under Subsection (3) of Section 303, Title III of the Act, supra. Claims covered by this section were those based upon the failure of the Government of Rumania to meet obligations expressed in currency of the United States acquired by nationals of the United States prior to September 1, 1939, and which became payable prior to September 15, 1947.

The claimant filed objections to the Proposed Decision and states that he is entitled to compensation because he did not receive notice to file a claim under the previous claims program administered under Subsection (3) of Section 303 of the Act. The claimant also argues that he is entitled to compensation because funds are available for the payment of his claim.

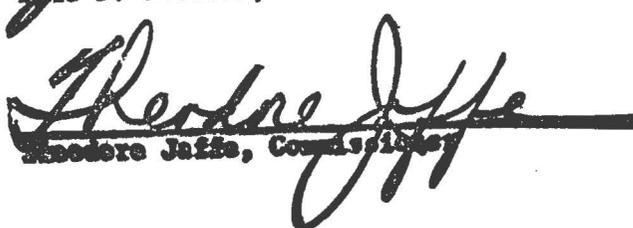
Full consideration having been given to the claimant's objections to the Proposed Decision, the Commission affirms its holding that it has no jurisdiction to receive and determine claims for losses based upon the failure of the Government of Rumania to pay its bond obligation. Consequently, the claimant's arguments, that he had no notice about the previous claims program administered under Subsection (3) of the Section 303 of the Act and the fact that funds are available to pay award made under Subsection (4) of Section 303 of the Act, have no bearing on the issue controlling the compensability of this claim. Accordingly, it is

ORDERED that the Proposed Decision of September 9, 1970, be and the same is affirmed.

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

OCT 14 1970


Kyle S. Carlock, Chairman


Theodore Jaffe, Commissioner

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

IN THE MATTER OF THE CLAIM OF

EUGENE L. BEYL

Claim No. RUM-2-036

Decision No. RUM-2-4

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim, in the amount of \$1,383.25, is based upon the loss sustained in connection with the ownership of five bonds of the issue known as Kingdom of Roumania Monopolies Institute 7% Guaranteed External Sinking Fund Gold Stabilization and Development Loan of 1929, in the total face amount of \$500.00. The claimant, EUGENE L. BEYL, has been a national of the United States since his birth on November 14, 1898.

On March 30, 1960, the Government of the United States and the Government of Rumania reached an understanding on certain financial matters and agreed as follows:

(1) The Government of the United States of America and the Government of the Rumanian People's Republic agree that the lump sum of \$24,526,370, as specified in Article III, will constitute full and final settlement and discharge of the claims described below:

(a) Claims for the restoration of, or payment of compensation for, property, rights and interests of nationals of the United States of America, as specified in Articles 24 and 25 of the Treaty of Peace with Rumania which entered into force on September 15, 1947.

(b) Claims for the nationalization, compulsory liquidation, or other taking, prior to the date of this Agreement of property, rights and interests of nationals of the United States of America in Rumania; and

(c) Claims predicated upon obligations expressed in currency of the United States of America arising out of contractual or other rights acquired by nationals of the United States of America prior to September 1, 1939, and which became payable prior to September 15, 1947.

(Article I(1) of Agreement Between the United States of America and the Rumanian People's Republic Relating to Financial Questions Between the Two Countries, March 30, 1960, 11 UST 317; TIAS 4451 (1960)).

Under Subsection (4) of Section 303, Title III of the International Claims Settlement Act of 1949 [69 Stat. 570 (1955); 22 U.S.C. §§1641-1641q (1964)], as amended by Section 10 of Public Law 90-421, approved on July 24, 1968 [82 Stat. 420 (1968)], the Commission is given jurisdiction over certain claims included within the terms of the Agreement, supra, namely, to receive and determine claims against the Government of Rumania arising out of the failure of that government to pay effective compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States between August 9, 1955, and March 30, 1960, the effective date of the Agreement.

Accordingly, the Commission holds that its jurisdiction is limited by Subsection (4) of Section 303 of the Act, supra, to those claims which arose out of the nationalization, compulsory liquidation, or other taking of property between August 9, 1955, and March 30, 1960, and that it has no jurisdiction to receive and determine claims for other losses such as the failure of the Government of Rumania to pay its bond obligation, a contractual right expressed in currency of the United States.

It is noted that claims based upon bonds guaranteed by the Government of Rumania, which are the subject of this claim, were provided for in a previous claims program administered by the Commission under Subsection (3) of Section 303, Title III of the Act, supra. Claims covered by this section were those based upon the failure of the Government of Rumania to meet obligations expressed in currency of the United States acquired by nationals of the United States prior to September 1, 1939, and which became payable prior to

September 15, 1947. That claims program, however, was completed on August 9, 1959, pursuant to a statutory mandate and the Commission does not have any present authority to receive and determine such claims.

It is clear from the foregoing that claims based on dollar bonds issued or guaranteed by the Government of Rumania were not provided for under Section 303(4) of the International Claims Settlement Act of 1949, as amended by Public Law 90-421, supra. Therefore, this claim based upon such bonds 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

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).)

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