

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

IN THE MATTER OF THE CLAIM OF

GEORGE S. STAHLMANN

Claim No. Y2-0772

Decision No. Y2- 253

Under the Yugoslav Claims Agreement of 1964
and Title I of the International Claims
Settlement Act of 1949, as amended

PROPOSED DECISION

This claim, in the amount of \$1,400.00, is based on the asserted ownership and loss of certain real and personal property located in Gotenica, Kocevje, Yugoslavia. Claimant, GEORGE S. STAHLMANN, has been a national of the United States since his birth in Chicago, Illinois, on May 1, 1909.

Under Section 4(a) of Title I of the International Claims Settlement Act of 1949, as amended (64 Stat. 13 (1950), 22 U.S.C. §1623(a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Yugoslav Claims Agreement of 1964, which provides, among other things:

Article I. (a) The Government of Yugoslavia agrees to pay, and the Government of the United States agrees to accept, the sum of \$3,500,000 United States currency in full settlement and discharge of all pecuniary claims of nationals of the United States, whether natural or juridical persons, against the Government of Yugoslavia, on account of the nationalization and other taking of property and of rights and interests in and with respect to property which occurred between July 19, 1948 and the date of this Agreement.

Article II. The claims of nationals of the United States to which reference is made in Article I of this Agreement refer to claims which were owned by nationals of the United States on the date on which the property and rights and interests in and with respect to property on which they are based was nationalized or taken by the Government of Yugoslavia and on the date of this Agreement. (Agreement between the Government of the United States and the Government of the Socialist Federal Republic of Yugoslavia Regarding Claims of United States Nationals, November 5, 1964, which entered into force on January 20, 1965, 16 U.S.T. & O.I.A. 1965, T.I.A.S. No. 5750 (1964).)

The Commission finds that real property losses asserted herein, with respect to a one-fourth ownership in certain premises located at No. 32 Gotenica, Kocevje, were also the subject of claimant's previous claim before the Commission under the Yugoslav Claims Agreement of 1948 and the International Claims Settlement Act of 1949 (Docket No. Y-958, Decision No. Y-1350), whereby claimant was granted an award in the amount of \$329.00 with interest thereon at 6% per annum from February 6, 1945, the date of the taking of the subject realty, to August 21, 1948, the date of payment by the Government of Yugoslavia, in the amount of \$69.87. The Commission further finds that the personal property losses asserted herein, with respect to an asserted one-fourth interest in certain personal property located at the aforementioned premises, were also the subject, in part, of claimant's previous claim before the Commission under Section 304 of the International Claims Settlement Act of 1949, as amended (Claim No. IT-10,423, Decision No. IT-175) where the Commission found that claimant had failed to establish that he owned any of the personal property taken or destroyed by authorities of the Italian Government on or about July 1, 1943. The Commission concludes therefore that the losses asserted herein took place prior to July 19, 1948 and that they are not within the scope of the Yugoslav Claims Agreement of 1964.

With respect to the interest in the amount of \$69.87 which was granted by decision Y-1350, supra, but which was not paid to claimant due to the insufficiency of the fund provided by the Government of Yugoslavia for the purposes of the Yugoslav Claims Agreement of 1948, it is to be noted that the Commission has held that accrued unpaid interest based upon property taken before July 19, 1948 is not compensable under the Yugoslav Claims Agreement of 1964 for which a new fund has been provided (See the Claim of Mary Tscherne, Claim No. Y2-0865, Decision Y2-81).

Concerning the adequacy of the compensation previously awarded to claimant, the Commission has held that Title I of the International Claims Settlement Act of 1949, as amended, does not give, directly or by implication, the Commission jurisdiction to review or change its findings rendered on claims filed and decided under the Yugoslav Claims Agreement of 1948, under or pursuant to any subsequent agreement that may be concluded with the Government of Yugoslavia, nor does the Yugoslav Claims Agreement of 1964 so provide. (See the Claim of George F. Roth, Claim No. Y2-1536, Decision No. Y2-246.)

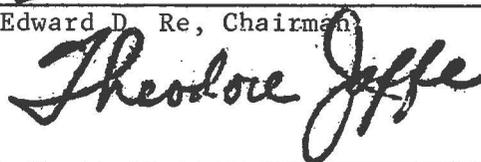
In view of the foregoing, this claim must be, and it is hereby, denied in its entirety.

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

FEB 7 1968



Edward D. Re, 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).)

Y2-0772