

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

IN THE MATTER OF THE CLAIM OF

ILONA CZIKE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. HUNG-2-784

Decision No. HUNG-2-0191

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

Hearing on the Record held on

4 FEB 1976

FINAL DECISION

This claim in the asserted amount of \$82,600.00 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 a 1/7 interest in certain improved real property at No. 10 Táltos Street in Budapest, Hungary, with a grocery business at the same address, also upon the damage to the property during World War II. Claimant stated that she acquired United States nationality on November 7, 1963, by naturalization, and the evidence of record established that the subject property was taken not later than March 8, 1963.

In its Proposed Decision dated September 17, 1975, the Commission held that it did not have jurisdiction to grant awards under subsection 303(5) of the Act, supra, in claims based upon property not owned by a national or nationals of the United States on the date of the taking. Accordingly, the claim was denied.

By letter dated September 25, 1975, the claimant, ILONA CZIKE, objected to the Proposed Decision and requested that the Commission reconsider its determination on this claim.

In support of her objections claimant submitted the statement of two witnesses who state that because the claimant and her husband were working for the International Red Cross, they did not leave Yugoslavia for the United States until November 1957.

While the Commission notes the service rendered by the claimant during the period immediately preceding her arrival in the United States, such circumstances do not provide a basis for the Commission to find that the previous evidence of record is not conclusive as to the issue of the claimant's entitlement to compensation under the Act, supra.

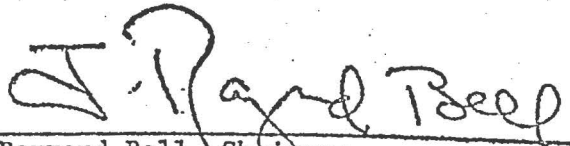
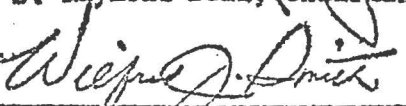
Full consideration, therefore, having been given to the entire record, including the claimant's objections and evidence, the Commission finds that the record in this claim does not warrant any change in the Proposed Decision.

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.

4 FEB 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 4 FEB 1976


Executive Director

HUNG-2-784

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IN THE MATTER OF THE CLAIM OF

ILONA CZIKE

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Act of 1949, as amended

Claim No. HUNG-2-784

Decision No. HUNG-2- 0191

PROPOSED DECISION

This claim in the asserted amount of \$82,600.00 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 a 1/7 interest in certain improved real property at No. 10 Taltos Street in Budapest, Hungary, with a grocery business at the same address, also upon the damage to the property during World War II.

Claimant states that she acquired United States nationality on November 7, 1963, 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.

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. It is also clear that this new section of the Act does not provide remedy and compensation for damages caused by military action in consequence of World War II.

It is important to note that other classes of claims, including claims based upon damages caused by military action during World War II, 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.

The law, applicable to this claim under section 303(5) of the Act, supra, also includes the well established principle of international law under which a claim is compensable only if the property upon which it is based was owned by a national of the United States at the time the nationalization or other taking occurred and the claim which arose therefrom has been owned continuously thereafter by a United States national until its filing with the Commission.

In support of her claim, the claimant, ILONA CZIKE, submitted a copy of Decision No. 42008/4/1963, dated March 8, 1963, by which the Division for Administration of the Executive Committee, Council for the Capital City of Budapest, "ascertained and approved" the taking of the improved real property at No. 10 Taltos Street in Budapest, recorded in Liber No. 5701 of Budapest, Left Side of the Danube, as Lot No. 7843 (formerly 12981/17/4) by eminent domain. Accordingly, the Commission finds that the real property involved in this claim was taken by an agency of the Government of Hungary not later than March 8, 1963.

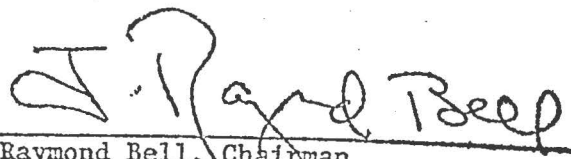
The claimant, ILONA CZIKE, states that she acquired nationality of the United States on November 7, 1963, by naturalization.

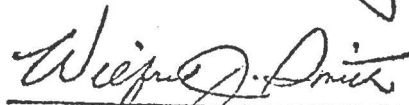
In view of the foregoing, the Commission concludes that it has no jurisdiction to grant compensation for the asserted loss because the property, which is the subject of this claim, was not owned by a national of the United States on March 8, 1963, the date of its loss, as required for compensation under the provisions of subsection 303(5) of the Act, supra. Therefore, 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.

17 SEP 1975


J. Raymond Bell, Chairman


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-2-784