

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

IN THE MATTER OF THE CLAIM OF

MICHAL GUBALA

Claim No. CZ-2-0082

Decision No. CZ-2-0106

PROPOSED DECISION

This claim in the amount of \$270,000.00 against the Government of Czechoslovakia under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981 (Public Law 97-127, 95 Stat. 1675) is based upon the loss of business property in Piestany.

The claimant indicated in his Statement of Claim that he is not a United States citizen.

Under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981, the Commission is given the following jurisdiction:

"The Commission shall receive and determine, in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property owned at the time by nationals of the United States, which nationalization or other taking occurred between August 8, 1958, and [February 2, 1982]."

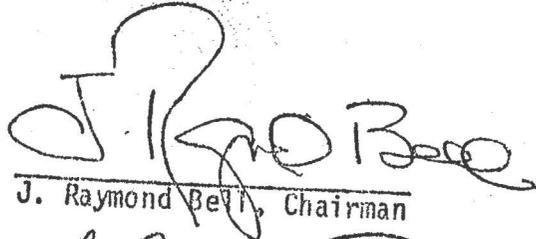
The Commission's jurisdiction is further defined by section 7(a) of the Czechoslovakian Claims Settlement Act of 1981, which incorporates the provisions of certain sections of Title IV of the International Claims Settlement Act of 1949 (Public Law 85-604), approved August 8, 1958. Among the sections of that Act so incorporated are Section 405, which provides that a claim "shall not be allowed . . . unless the claim has been held by a national of the United States until the date of the filing with the Commission," and Section 401, which as relevant herein defines a national of the United States, with respect to an individual, as "a citizen of the United States."

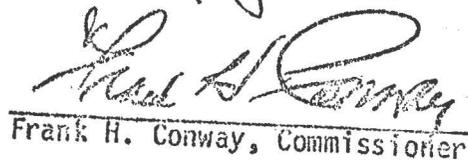
Under the foregoing provisions, therefore, the Commission is authorized to grant awards only on claims that were held by United States citizens at the time they were filed. MICHAL GUBALA filed his claim on March 16, 1982, at which time he was not a United States citizen. Under the Czechoslovakian Claims Settlement Act of 1981, therefore, this claim must be and hereby is denied.

The Commission finds it unnecessary to make any determinations with respect to other aspects of this claim.

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

APR 5 1983

  
J. Raymond Bell, Chairman

  
Frank H. Conway, Commissioner

This decision was entered as the Commission's  
Final Decision on MAY 25 1983

  
Joseph W. Brown, 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.)