

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

IN THE MATTER OF THE CLAIM OF

ELIZABETH STRIGNER

Claim No. CZ-2-0163

Decision No. CZ-2-0119

Hearing on the Record held on **OCT 17 1983**

FINAL DECISION

This claim in the amount of 140,000 crowns 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 a house, farm buildings, and farmland identified as 78 p. Ochtina in Rostar.

By Proposed Decision issued April 5, 1983, the Commission denied this claim on the ground that Public Law 97-127 set forth as one condition of compensability that the loss must have occurred after August 8, 1958 and as a second condition that the property be owned by a United States national on the date of loss. As the property had assertedly been owned by claimant's late husband who became a United States citizen on June 23, 1961, the Commission could find the claim compensable only if it were established that the property was taken by the Government of Czechoslovakia on or after that date. The Commission found that the property was taken on or before December 22, 1957 and, therefore, denied the claim.

By letter dated April 12, 1983, claimant objected, stating that the building on the property was torn down in 1976 and further that no matter in what year the property was taken it was her home and the Government of Czechoslovakia should not have taken it.

The evidence before the Commission included a letter from the Town People's Committee of Rostar stating that the property "passed into Socialist ownership" on December 22, 1957. The fact that the Government of Czechoslovakia may have demolished the building at some later date is in no way inconsistent with the Commission's finding that the property was nationalized on or before December 22, 1957. The Commission has no discretion to deviate from the directions of the statute, which require as a prerequisite for compensability that property be taken after August 8, 1958 and at a time when it was owned by a United States national.

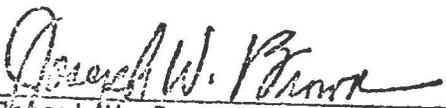
Therefore, the Commission has no alternative but to affirm its previous denial as its final determination of this claim.

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.

OCT 17 1983


Joseph W. Brown, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision.


Frank H. Conway, Commissioner

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PROPOSED DECISION

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Claimant became a United States citizen by birth in the United States on May 1, 1911.

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]."

Accordingly, under the law the Commission can grant awards only for property which was taken after August 8, 1958.

This claim is based upon the asserted loss of property consisting of a house, farm buildings and farmland identified as 78 p. Ochtina in Rostar, which claimant and her late husband, John Strigner, had constructed and developed before World War II. Claimant's husband became a United States citizen by naturalization on June 23, 1961, and died on October 15, 1981.

Claimant stated at the time of filing that the claimed property was nationalized or otherwise taken by the Czechoslovakian government in 1949. Subsequent to the filing of her claim, she

submitted a letter from the Miestny Narodny Vybor ("Town People's Committee") of Rostar dated October 20, 1982, which states that the property "passed into Socialist ownership" on December 22, 1957.

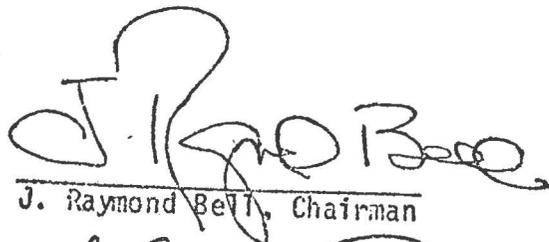
Based upon the foregoing, the Commission finds that the real property subject herein was nationalized by the Government of Czechoslovakia on or before December 22, 1957. The Commission must therefore conclude that it is without authority to grant an award in this claim, since subsection 5(a) of the Act, supra, authorizes awards to be granted only for losses resulting from the nationalization or other taking of property after August 8, 1958.

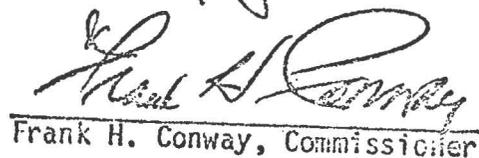
Accordingly, this claim must be and it is hereby denied.

The Commission finds it unnecessary to make 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


Joseph M. 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.)