

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

IN THE MATTER OF THE CLAIM OF

ANGELA L. BAUER

Claim No. CZ-2-0791

Decision No. CZ-2-0081

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

FINAL DECISION

This claim in the asserted amount of \$50,834.20 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 bank account at the Zivnostenska Banka in Prague.

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]."

By Proposed Decision issued April 5, 1983 the Commission denied the claim on the ground that the bank account had been taken prior to August 8, 1958.

By letter dated April 22, 1983 claimant objected on the record to the Proposed Decision. Claimant states that she had written to the Zivnostenska Bank in Prague requesting information concerning the status of the bank account and requested that the

Commission hold her claim opened until she received a response. She enclosed a copy of a letter dated October 22, 1982 to the Zivnostenska Bank.

The Commissioner has reviewed the entire record in this claim and sees no valid reason to further delay its determination of the objection. The Commission notes that even after the issuance of a final decision, Commission regulations allow claimant to petition to reopen on the ground of newly discovered evidence if, within the time limits of the Commission's regulations, she should subsequently obtain evidence contrary to the Commission's finding.

The record shows that the bank account in the name of claimant's father, was established at some time prior to July 24, 1945. Claimant's father was and is a citizen of Italy. This account was established in so-called old Koruna. All such accounts established before November 15, 1945 were initially blocked and subsequently annulled pursuant to decree no. 41/53 which took affect on June 1, 1953. The annulment of the bank account in 1953 constituted a taking of property but as it occurred prior to August 8, 1958 and at a time when the property was not owned by a United States national, the loss is not compensable under Public Law 97-127.

Claimant asserts that the bank account was given to her by her father on August 18, 1956 and has submitted a sworn statement by her father to that effect. This statement is dated August 30, 1982 and no evidence, contemporaneous with the alleged gift in 1956, has been submitted to allow the Commission to judge whether or not a valid gift was attempted at that date. Furthermore, there is no indication that notification of the alleged gift was forwarded to the bank. Based upon this record, it appears to the

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Commission that the evidence is insufficient to establish a transfer of ownership in a bank account from claimant's father to claimant. As claimant's father never acquired United States citizenship, any loss of the bank account while owned by him could not form the basis of a valid claim under Public Law 97-127.

The Commission further notes that the sworn statement submitted from claimant's father states:

This letter is to certify that the legal rights and papers of my Czechoslovakian bank account were given to my daughter ANGELA LUCIA BAUER on August 18, 1956, in the hope that some day some kind of American Foreign Claims Program would give her the right to file for settlement."

It appears to the Commission that the clear implication of this statement is to the effect that as of 1956 claimant's father was aware that his bank account had been taken prior thereto and the transfer was made in the hope that a claims settlement for such previous loss might subsequently become available if the claim for the loss of the bank account were held by someone who was about to become a United States citizen.

Claimant in her letter of April 22, 1983 states that "during 1958 I was informed by the Czechoslovakian Embassy in Washington that my account was still intact. They took two weeks to investigate the status of my account after a verbal request, and informed me in person that the account was intact." In the letter dated October 22, 1982 to the bank, claimant makes reference to only one call on the Czechoslovakian Embassy stating "during a business call on the Czechoslovakian Embassy in Washington D.C. during 1958 I was informed that the account was available to use inside Czechoslovakia, and that merchandise could be purchased with it for export to the United States." This

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information would be correct as to a bank account established after November 15, 1945 and the letter of October 22, 1982 contains no indication that an investigation was made by the Czechoslovakian Embassy concerning the particular bank account or that the Embassy was aware that the particular account in question had been established before November 15, 1945. The Commission concludes that claimant's reference to such verbal information given by the Czechoslovak Embassy is insufficient to draw into question the Commission's finding that all accounts established before November 15, 1945 were annulled on June 1, 1953.

Therefore, after a careful review of the entire record the Commission concludes it has no alternative but to affirm its original denial as its final determination of this claim.

Accordingly, it is

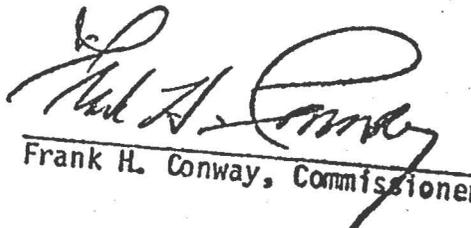
ORDERED that the Proposed Decision be and it is hereby affirmed.

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

OCT 17 1983

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

  
Joseph W. Brown, Commissioner

  
Frank H. Conway, Commissioner

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

IN THE MATTER OF THE CLAIM OF

ANGELA L. BAUER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CZ-2-0791

Decision No. CZ-2-0081

PROPOSED DECISION

This claim in the asserted amount of \$50,834.20 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 bank account at the Zivnostenska Banka in Prague.

Claimant states that she became a United States citizen by naturalization on July 15, 1957.

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.

At the time of filing it was stated that claimant's father left a balance of 140,555 Kroners at the bank in 1945, and that although the exact date of loss was unknown, the loss occurred after October of 1958. The only evidence submitted in support of the claim is a bank balance statement and a letter from the Zivnostenska Banak dated in July of 1945.

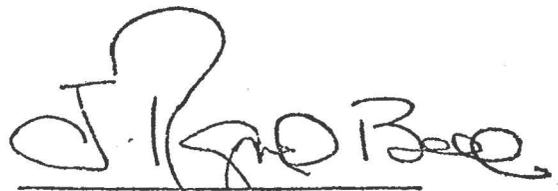
The Commission has examined postwar laws in Czechoslovakia affecting bank accounts. It finds that bank accounts which were established before November 15, 1945 were initially blocked and subsequently annulled pursuant to Decree No. 41/53, which took effect on June 1, 1953. The Commission concludes that the annulment of bank accounts under this decree constitutes a taking of the accounts by the Government of Czechoslovakia.

Accordingly, the Commission finds that the property on which the instant claim is based was taken by the Czechoslovakian Government on June 1, 1953. Since subsection 5(a) of the Act authorizes the Commission to grant awards only for losses which occurred after August 8, 1958, the loss of a bank account in 1953 is not compensable under the Act. Furthermore, the record indicates that the property involved herein was not owned by a United States citizen on the date of loss, as required for compensation under the Act. For the foregoing reasons, the Commission determines that this claim must be and hereby is denied.

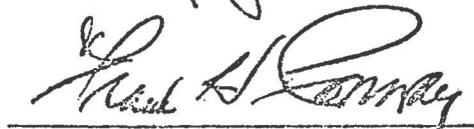
The Commission finds it unnecessary to make determinations with respect to other respect of this claim.

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 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.)