

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

IN THE MATTER OF THE CLAIM OF

WILLIAM OLTO

Claim No. CZ-2-1060

Decision No. CZ-2-0606

PROPOSED DECISION

This claim in the amount of \$350,000 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 interests in real and personal property in Trencin and Bratislava.

Claimant states that he became a United States citizen by naturalization on July 6, 1954.

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 this claim, claimant stated that his family had owned buildings and land and possibly a mortgage on property in and around Trencin, Czechoslovakia. Claimant also stated that his aunt had owned furnishings and other personal

property in her home in Bratislava. Claimant further stated that the owners of the subject property were deported and killed during World War II and that he had no knowledge of the disposition of the property after the close of the war.

In the first Czechoslovakian claims program administered by the Commission under Public Law 85-604 (72 Stat. 527, approved August 8, 1958) the Commission held that property owners who lost their property as a result of persecutory measures during the German occupation of Czechoslovakia retained beneficial interests in their property even though they may have lost legal title. The Commission found that the Czechoslovakian government instituted a restitution program after World War II providing persecutees the opportunity to reclaim their property and in some cases legal title was restored to the rightful owners. In many other cases, however, the Czechoslovakian government failed to act upon restitution claims or denied them outright. The Commission found that restitution proceedings were suspended by the Czechoslovakian government on December 21, 1949, after which no favorable actions were taken on claims still pending.

In all claims based on property originally lost as a result of persecutory measures, the Commission concluded that such property was taken by the Government of Czechoslovakia (1) on the date a restitution claim was denied or (2) on December 21, 1949 in the event no restitution claim was filed or no decision was issued on a claim or (3) on the date before or during restitution proceedings that the property was actually nationalized or confiscated by the Czechoslovakian government. (These conclusions are set forth in the Commission's Panel Opinion No. 6, printed on pages 28-30 of the Foreign Claims Settlement Commission's Eleventh Semiannual Report to the Congress for the period ending December 31, 1959.)

Based upon the foregoing, the Commission concludes that, if claimant's family lost legal title to the subject property during World War II, the Commission would consider that the property was taken by the Czechoslovak government on December 21, 1949. If, however, the property was not transferred to other persons during World War II, the Commission nevertheless finds that the evidence of record does not contain information establishing that the property was taken by the Czechoslovak authorities after August 8, 1958.

Subsection 531.6(d) of the Commission's regulations provides:

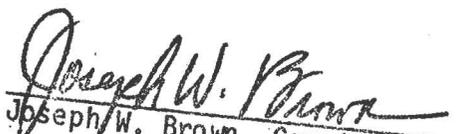
"The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim."

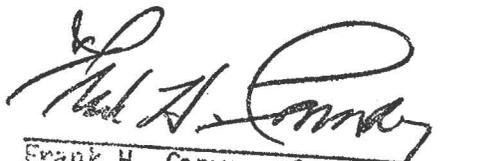
Based upon the foregoing, the Commission concludes that the record in this claim is devoid of evidence to establish a compensable loss under subsection 5(a) of the Act, above. Accordingly, the Commission finds that this claim must be and it is hereby denied.

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.

SEP 22 1983

  
Joseph W. Brown, Commissioner

  
Frank H. Conway, Commissioner

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

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.)