

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

IN THE MATTER OF THE CLAIM OF

EUGENE ICKOVIC

Claim No. CZ-2-1071

Decision No. CZ-2-0314

Hearing on the Record held on **JAN 23 1984**

FINAL DECISION

This claim in the amount of \$85,000.00 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 a pharmaceutical company in Karlovy Vary, Czechoslovakia.

Claimant became a United States citizen by naturalization on February 27, 1962.

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 a time when it was owned by a United States national.

By Proposed Decision issued June 7, 1983, the Commission denied this claim on the ground that the pharmaceutical

company had been nationalized on February 28, 1948, and that the furnishings of the six room apartment were taken in May of 1948.

By letter dated June 20, 1983, claimant objected and requested an Oral Hearing. By letter from the Commission of December 19, 1983, Claimant was notified that the Oral Hearing was set for January 23, 1984 at 2:00 p.m. By subsequent postcard, claimant stated he would not attend the oral hearing but requested that the objection be considered by the Commission as an objection on the record.

The Commission has reviewed the entire file. Claimant has submitted a copy of the decree which nationalized the pharmaceutical company in 1948. And, in his statement of claim, has stated that the furnishings and other personal property in the apartment house were taken in May of 1948 by the local Czechoslovakian authorities.

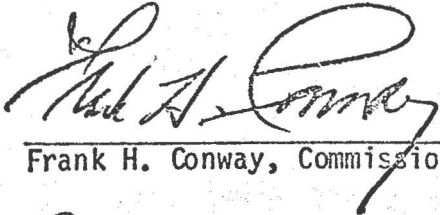
In his letter of objection, claimant contends that as the taking of this property was illegal, without due process, and without payment of compensation, he continued to be "legally" the owner of the pharmaceutical company. However, it is the illegality of the confiscation which forms the basis of a claim, and the statute is specific that such an illegal taking must have occurred at the time when the property was owned by an United States citizen for the claim to be compensable under Public Law 97-127. To accept claimant's contention that he should be considered as the "rightful" owner of the property, does not assist the claimant's position; for accepting such a definition leads only to the

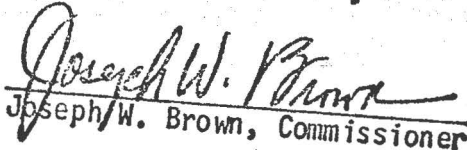
conclusion that claimant is still the "rightful" owner of the property.

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

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

JAN 23 1984


Frank H. Conway, Commissioner


Joseph W. Brown, Commissioner

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

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

IN THE MATTER OF THE CLAIM OF

EUGENE ICKOVIC

Claim No. CZ-2-1071

Decision No. CZ-2-0314

PROPOSED DECISION

This claim in the amount of \$85,000 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 a pharmaceutical company in Karlovy Vary, Czechoslovakia.

Claimant became a United States citizen by naturalization on February 27, 1962.

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 a time when it was owned by a United States national.

The evidence of record in this claim establishes that claimant was the owner of a pharmaceutical company called "Pantopharma" in Karlovy Vary, which was nationalized by the Czechoslovak authorities on February 28, 1948. Claimant

asserted, moreover, that the furnishings of a six-room apartment were also taken by the authorities in May of 1948.

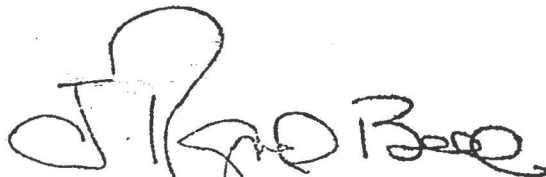
By letter dated December 15, 1982, claimant was advised that, since the property on which his claim is based was taken by the Czechoslovakian authorities in 1948, no award could be granted for the reasons set forth in subsection 5(a), above. He was invited, however, to submit any evidence or comments he wished the Commission to consider in reaching a decision on his claim. To date, no evidence, comments or response to the Commission's letter has been received.

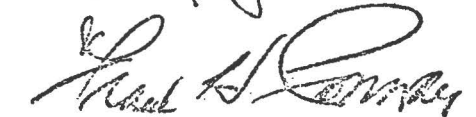
Based upon the foregoing, the Commission concludes that the property on which this claim is based was taken in 1948, at a time when it was not owned by a United States national. Since under subsection 5(a) of the Act awards may be granted only when the property on which the claim is based was taken after August 8, 1958 when it was owned by a United States national, the Commission finds that this claim must be and hereby is 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.

JUN 7 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.)