

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

IN THE MATTER OF THE CLAIM OF

LEA PAPA

Claim No. CZ-2-1558

Decision No. CZ-2-0366

PROPOSED DECISION

This claim for an unstated dollar amount 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 improved real property in Trnva and Batorove Kesy, including a wholesale leather business, warehouses and 600 acres of farmland, and personal property.

Claimant states that she acquired United States citizenship by naturalization on April 17, 1956.

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 did not indicate the date on which the subject property was taken.

By letter dated January 21, 1983, claimant was advised that the Commission's authority for claims under Public Law 97-127 is limited to losses which occurred after August 8, 1958. Claimant was further advised that from the nature of the property on which

her claim is based it appeared that it would have been taken by the Czechoslovakian authorities prior to August 8, 1958. She was invited, however, to submit any evidence or comments she wished the Commission to consider in reaching a determination on her claim. To date, no evidence comments or response to the Commission's letter has been received.

The Commission notes that in 1948 wholesale trade businesses were nationalized by Law No. 118 of April 28, 1948 and that thereafter, the Minister of Internal Trade was authorized to entrust wholesale trade to the national enterprises established by the government. Also in 1948 land in excess of 50 hectares owned by one family could be purchased by the State and allotted to cooperatives and small farms.

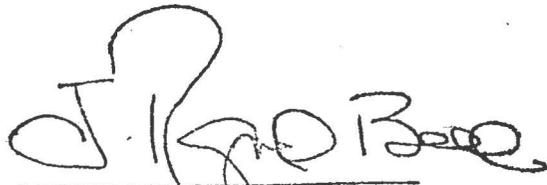
Based upon the foregoing, the Commission concludes that the property on which this claim is based would have been taken prior to August 8, 1958. Since under subsection 5(a) of the Act, awards can be granted only for losses which occurred after August 8, 1958, the Commission finds that this claim must be and it is hereby denied.

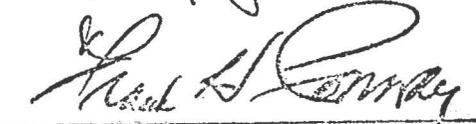
The Commission finds it unnecessary to make determinations with respect to other aspects of this claim.

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

JUN 7 1983

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


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.)