

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

IN THE MATTER OF THE CLAIM OF

JIRIK PAREZ

Claim No. CZ-2-1615

Decision No. CZ-2-1007

Hearing on the Record held on **MAR 20 1984**

FINAL DECISION

This claim in the amount of \$120,000 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 house, lot and personal property in Cesky Brod, Czechoslovakia.

Claimant states that he became a United States citizen by naturalization in September of 1960.

By Proposed Decision dated January 25, 1984, the Commission denied this claim on the ground that the claim was not timely filed. The Commission also noted from the evidence submitted that it appeared highly unlikely that the claim would have been compensable if timely filed.

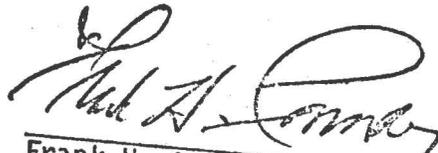
By letter postmarked February 4, 1984, claimant objected to the Proposed Decision. The Commission notes that in 1977 claimant had correspondence with the Department of State concerning the possibility of a claim against Czechoslovakia. As this correspondence was available to the Commission, the Commission forwarded notice of the present program to the claimant at the last known address available. However, claimant indicates that he had moved from that address and

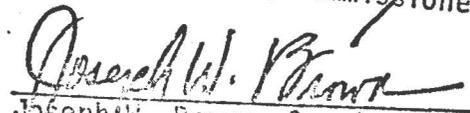
that the forwarding time had expired, thus he did not receive the notice from the Commission. While the Commission is sympathetic to the claimant for not having kept the Commission informed of his current address, the Commission has no basis to consider this claim as it was not timely filed, nor is there is any evidence to support a compensable claim, even if the claim had been timely filed.

For the above reasons, the Commission affirms its original denial as its final determination of this claim.

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

MAR 20 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.

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~~IN THE MATTER OF THE CLAIM OF~~

JIRIK PAREZ

Claim No. CZ-2-1615

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PROPOSED DECISION

This claim in the amount of \$120,000 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 house, lot and personal property in Cesky Brod, Czechoslovakia.

Claimant states that he became a United States citizen by naturalization in September 1960.

Under subsection 7(b) of the Act, the law directs that:

"Not later than sixty days after the date of the enactment of this Act, the Commission shall establish and publish in the Federal Register a period of time within which claims described in section 5 of the Act must be filed with the Commission, and the date for the completion of the Commission's affairs in connection with the determination of those such claims and claims described in section 6 of this Act. Such filing period shall be not more than one year after the date of such publication in the Federal Register and such completion date shall be not more than two years after the final date for the filing of claims under section 5."

The Commission published in the Federal Register, dated February 24, 1982, Vol. 47, No. 37 at page 8092, notice of the filing period for claims for losses in Czechoslovakia under Public Law 97-127. In its pertinent part, the notice stated:

"As required by Sec. 7 of the Czechoslovakian Claims Settlement Act of 1981, Public Law 97-127, approved December 29, 1981, notice is hereby given that the Foreign Claims Settlement Commission will receive, at its offices located at 1111 20th Street, N.W., Washington, DC 20579, during the period beginning February 24, 1983 and ending October 31, 1982, claims [for losses under subsection 5(a) of the Act]."

The Commission did not extend the deadline for filing claims set forth in the notice.

The instant claim was signed and dated by the claimant on June 28, 1983 and received by the Commission on July 6, 1983. Accordingly, the Commission has no alternative but to find that this claim is not timely filed under Public Law 97-127 and therefore the claim must be and it is hereby denied.

Under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981, the Commission is given the following jurisdiction:

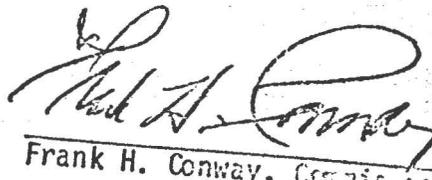
"The Commission shall receive and determine, in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other 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]."

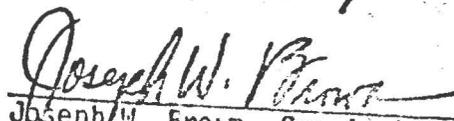
The Commission notes that the claimant has asserted that the subject property was taken in the late 1950's or early 1960's. However, no evidence has been submitted to establish that the property was taken by the Government of Czechoslovakia after claimant became a U.S. citizen in September 1960, as required for compensation under the Act. Accordingly, since under the Commission's regulations the claimant has the burden of proving a compensable loss, it appears most likely that this claim would not have been compensable even if it had been filed in a timely manner.

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.

JAN 25 1984


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.)