

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

IN THE MATTER OF THE CLAIM OF

BENJAMIN FRIEDMAN

Claim No. CZ-2-0065

Decision No. CZ-2-0109

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

FINAL DECISION

This claim in the amount of \$18,400.00 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 real property identified as Pastownyik, Hora, and Walkesz, as well as a house and lot, all located at Nizna Olka and Vysna Olka, Medzilaborce, district of Kosice.

In a Proposed Decision issued on April 5, 1983, the Commission denied this claim on the ground that the property had been taken on June 10, 1953, as had previously been determined by the Commission in 1961 when an award was made by the Commission compensating claimant for the identical losses pursuant to his claim filed under Title IV of the International Claims Settlement Act of 1949, as amended.

By letter dated April 10, 1983 claimant objected to the Proposed Decision on the ground that he had not received full payment of the award previously made by the Commission.

In its previous adjudication of claims for losses arising between January 1, 1945 and August 8, 1958 under authority of Title IV of the International Claims Settlement Act of 1949, the Commission made awards, including interest, totaling in excess of \$113 million. Funds available from all sources to make payment

of such awards totaled approximately \$83 million. Pursuant to statutory direction all awards up to \$1,000.00 were paid in full. As to all other awards, an initial payment of \$1,000.00 was made and thereafter the remaining claims fund is being distributed on a pro rata basis. Therefore, no claimants with awards in excess of \$1,000.00 will receive full payment of their awards, as issued by the Commission.


The fact that there are insufficient funds to pay the total amount of awards previously made by the Commission has no relevance, however, to the compensability of a claim under the Czechoslovakian Claims Settlement Act of 1981, which limits the authority of the Commission to the determination of claims which arose after August 8, 1958. Claimant at no time has disputed the fact that his loss occurred prior to that date and, therefore, there is no merit to his objection. The Commission, therefore, affirms its previous denial as its final determination on 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


Joseph W. Brown, Commissioner


Frank H. Conway, Commissioner

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PROPOSED DECISION

This claim in the amount of \$18,400.00 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 real property identified as Pastownyik, Hora, and Walkesz, as well as a house and lot, all located at Nizna Olka and Vysna Olka, Medzilaborce, district of Kosice.

Claimant became a United States citizen by naturalization on April 27, 1927.

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.

The property involved in this claim is identical with the property on which BENJAMIN FRIEDMAN based a previous claim with the Commission in the first Czechoslovakian claims program under Public Law 85-604. The Commission issued a decision on that claim dated August 23, 1961 (Claim No. CZ-1152, Decision No. CZ-1713) in which it found that BENJAMIN FRIEDMAN was the sole or part owner of the subject properties, that they were taken without compensation by the Government of Czechoslovakia on June 10,

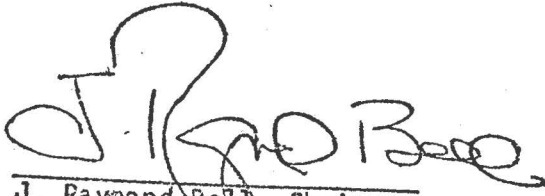
1952, and that the claimant's interests therein had a value of \$1,500.00 at the time of loss. The Commission granted BENJAMIN FRIEDMAN an award totalling \$2,054.51, consisting of a principal amount of \$1,500.00 and interest of \$554.51. The new claim filed by BENJAMIN FRIEDMAN under Public Law 97-127 does not assert the loss of any additional property in Czechoslovakia.

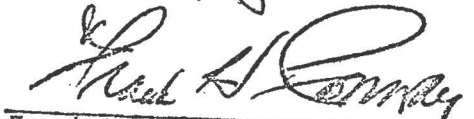
Since the Commission has already found that the property involved in this claim was taken by the Czechoslovakian government before August 8, 1958 and has already granted BENJAMIN FRIEDMAN an award for the loss, the Commission concludes that the instant claim is not compensable under the provisions of Public Law 97-127. Accordingly, this claim must be and hereby is denied.

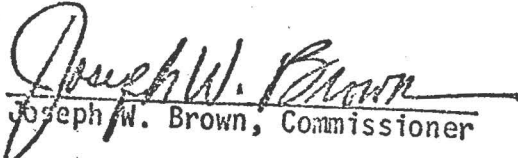
The Commission finds it unnecessary to make determinations with respect to other aspects of this claim.

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

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.)