

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

IN THE MATTER OF THE CLAIM OF

GERTRUDE POLLAK

Claim No. CZ-2-0131

Decision No. CZ-2-0490

Counsel for Claimant: Jacob Oliner, Esquire

PROPOSED DECISION

This claim in the amount of \$42,000 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 one-eighth interest in the "J. Popper" linen bleaching and finishing mill in Teplice nad Metuji.

Claimant became a United States citizen by naturalization on January 26, 1948.

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]."

Claimant states as the basis of this claim that she was the owner of a one-eighth interest in the above-identified textile mill, having inherited it from her father during World War II. She further states, and the Commission's records confirm, that this property interest is the same as that which was the subject of a claim she filed against Czechoslovakia in

1959, under the terms of Title IV of the International Claims Settlement Act of 1949, as amended (Public Law 85-604, approved August 8, 1958). In its decision in that claim, the Commission held that the linen mill in question was confiscated by the Czechoslovakian Government between October 25, 1945 and January 1, 1947, and therefore denied her claim for the loss of her one-eighth interest therein because it was not owned by a United States citizen at the time of loss, as required under the claims statute. Claim of GERTRUDE POLLAK, Claim No. CZ-3231, Decision No. CZ-2524 (1961). Citing section 6 of Public Law 97-127, claimant asserts that the Commission should now grant her an award for the loss of that one-eighth ownership interest.

Section 6 of Public Law 97-127 directs the Commission to reopen and redetermine the validity and amount of claims previously filed against Czechoslovakia under Title IV of the International Claims Settlement Act of 1949, as amended, supra, for property losses incurred between January 1, 1945 and February 26, 1948, which it had denied because the property was not owned by a United States citizen at the time of loss. The section provides that the requirement of ownership by a United States citizen is to be deemed satisfied if the owner acquired United States citizenship by February 26, 1948.

In a letter from the Commission staff dated April 7, 1982, addressed to her attorney, claimant was advised that no new filing or other action on her part was required in order for the claim for her interest in the textile mill to be reconsidered under section 6 of Public Law 97-127, since the statute places the responsibility on the Commission to ascertain which of the previously filed and denied claims are eligible for redetermination. She was further advised that the only new claims against Czechoslovakia which the Commission can favorably consider are those

involving property losses incurred after August 8, 1958, and that if she wished to claim for such a loss, she should notify the Commission to that effect and submit supporting evidence and information. To date, however, no further submissions of any kind have been received from the claimant or her attorney.


In a Supplemental Decision upon Redetermination issued on November 16, 1982, the Commission found that claimant's one-eighth interest in the "J. Popper" linen mill in Teplice nad Metuji was confiscated by the Czechoslovakian government as of January 1, 1947, and granted her an award of \$20,000 together with appropriate interest for that loss. Inasmuch as claimant has submitted no evidence or information indicating that she owned additional property in Czechoslovakia which was lost after August 8, 1958, the Commission concludes that her claim under section 5 of Public Law 97-127 is unfounded. Accordingly, her 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

This 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.)