

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
Washington 25, D. C.

In the Matter of the Claim of

DOMINIC VARADY
928 Bank Street
Keokuk, Iowa

Claim No. RUM-30,229

Decision No. RUM-20

Against the Government of Rumania
Under the International Claims
Settlement Act of 1949, as amended

PROPOSED DECISION

This is a claim against the Government of Rumania under the provisions of Section 303 of the International Claims Settlement Act of 1949, as amended, for the value of personal property allegedly seized in Germany by agents of the Rumanian Government in July of 1948, and removed to Rumania.

Section 303(2) of the Act provides for the receipt and determination by the Commission in accordance with applicable substantive law, including international law, of the validity and amounts of claims of nationals of the United States against the Government of Rumania, among others, arising out of the failure of such government to pay effective compensation for the nationalization, compulsory liquidation, or other taking, prior to August 9, 1955, of the property of nationals of the United States in Rumania. Other subsections of Section 303 are without applicability to this claim.

Under well established principles of international law, in order for a claim espoused by the United States to be compensable, the property upon which it is based must have been owned by a national or nationals of the United States at the time of loss, and the claim which arose from such loss must have been owned by a United States national or nationals continuously thereafter.

The claimant herein alleges that he became a national of the United States by naturalization on September 12, 1955, which is subsequent to the date of the alleged loss of his property. Accordingly, the Commission finds that the claim is not compensable under Section 303(2) of the Act, for the reason that it was not owned by a United States national at the time that it allegedly arose.

Moreover, in a claim against the Government of Rumania for loss of property, under Section 303(2) of the Act, it is a condition for compensation thereof that the taking of property have occurred within the borders of Rumania.

For the reasons stated above, the claim is denied. The Commission finds it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.

FEB 14 1957

FOR THE COMMISSION:

WB
JB
Donald G. Benn
Donald G. Benn, Director
Balkan Claims Division