

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, DC 20579

In the Matter of the Claim of

MARINA G. LEKA

Against the Government of Albania

Claim No. ALB-342

Decision No. ALB-329

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property in the village of Krina, district of Gironkaster.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.

22 U.S.C. 1623(a) (2006).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of*

the Republic of Albania on the Settlement of Certain Outstanding Claims, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimant in this case asserts that the property which is the subject of her claim was confiscated by the Albanian government in 1956, at which time it was owned by her father, George Mihalis, who had become a U.S. national by naturalization in 1929. The property is said to have consisted of 1.3 hectares (approximately 3.2 acres) of farmland and 0.3 hectares (approximately 0.8 acre) of vineyard, together with various olive and fruit trees. Claimant asserts that she is entitled to claim for the loss of this property by virtue of her inheritance of the property following her father's death in Worcester, Massachusetts, in 1976. She states that she was born in 1937 and is a U.S. national based on her father's naturalization in 1929.

The Commission first notes that the property upon which this claim is based was the subject of an award in an earlier claim filed by her brother, Polo Mihali, in 1996. *Claim of POLO G. MIHALI Against Albania*, Claim No. ALB-292, Decision No. ALB-224 (1996). By letter dated January 22, 2009, the Commission informed the claimant of her brother's award and requested that she advise the Commission whether, in light of this fact, she still wished to pursue her claim. This letter was then followed by a further letter dated October 1, 2010, requesting a response by October 31, 2010. To date,

however, the Commission has received no response from the claimant to either of those letters or indeed any other communication from her.

Section 509.5(b) of the Commission's regulations provides:

The claimant will have the burden of proof in submitting evidence and information sufficient to establish the elements necessary for a determination of the validity and amount of his or her claim.

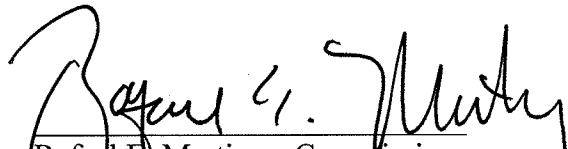
45 C.F.R. 509.5(b)(2010).

In light of the circumstances described, the Commission finds that the claimant has not met her burden to establish the elements of a compensable claim under the ICOSA and the Settlement Agreement. The claim therefore must be and is hereby denied.

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

Dated at Washington, D.C. June 3, 2011
and entered as the Proposed
Decision of the Commission.


Timothy J. Feighery, Chairman


Rafael E. Martinez, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Second Amended Proposed Decision. Absent objection, this 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 Regulations, 45 C.F.R. 509.5 (e) and (g) (2010).