

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

In the Matter of the Claim of	}	
	}	
	}	
PERPARIM XHAKOLLARI	}	Claim No. ALB-346
	}	
	}	Decision No. ALB-330
	}	
Against the Government of Albania	}	

PROPOSED DECISION

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

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 an 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 his claim was originally owned by his father, and confiscated by the Albanian government in 1945. Claimant alleges that he became entitled to claim for the loss of that property by virtue of his inheritance of that property following his father's death in Detroit, Michigan in 1976. Claimant also states that he was born in Albania in 1938, but that he is a U.S. national by birth based on his father's naturalization as a U.S. citizen at some point after he took up residence in the United States in 1918.

However, the evidence provided by claimant reflects that legal title to the property was recorded in the name of his uncle, Haxhi R. Xhakollari, who was an Albanian national until his naturalization as a U.S. citizen in 1965.

By letter dated April 6, 2009, the Commission advised the claimant that in order for his claim to be compensable, he would need to provide evidence sufficient to support a finding that the property on which his claim is based was in fact owned by his

father rather than by his uncle at the time of the confiscation. In addition, he was informed that additional evidence would be needed to document other aspects of his claim, including his father's U.S. citizenship and his date and place of death.

In response to this letter, the Commission received a telephone call from the claimant on May 4, 2009, in which he stated that he wished to withdraw his claim and requested the return of the supporting documents he had submitted. He was advised that the Commission could not comply with his requests unless they were made in writing. This advice was reiterated in letters to the claimant dated March 24, 2010 and November 8, 2010, but the Commission has received no further communication from the claimant up to the present date.

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.

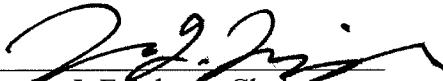
45 C.F.R. 509.5(b)(2010).

The Commission is constrained to find that the claimant has not met his burden of proof, in that he has failed to submit evidence sufficient to establish his father's ownership of the property on which his claim is based, his father's U.S. nationality, or his own right to claim for the loss of the property as his father's heir.

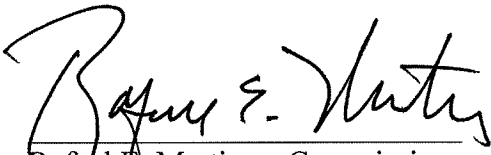
Accordingly, while the Commission sympathizes with the claimant for the loss of his family's property, it concludes that this claim is not compensable under the terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

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).