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

IN THE MATTER OF THE CLAIM OF

MARTIN AXELROD

Claim No. PO-1109

Decision No. 1067

Under the Polish Claims Agreement of 1960 and the International Claims Settlement Act of 1949, as amended

Appeal and objections from a Proposed Decision entered June 12, 1963.

Hearing on the record held on July 31, 1963.

FINAL DECISION

Full consideration having been given to the objections of the claimant, and general notice of the Proposed Decision having been given by posting for sixty days, it is

ORDERED that such Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

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

16 SEP 1963

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

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PROPOSED DECISION

This claim, for $25,000, is based upon the asserted ownership and loss of an interest in improved real property in Holeszow, Bortniki, Poland. Claimant became a national of the United States by derivation through his father on February 2, 1927.

Under Section 4(a) of the International Claims Settlement Act of 1949, as amended, (64 Stat. 13 (1950), 22 U.S.C. § 1623(a) (1958)), the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960 (Agreement with the Government of the Polish People's Republic Regarding Claims of Nationals of the United States, July 16, 1960, 11 U.S.T. & O.I.A. 1953, T.I.A.S. No. 4545 (1960)). That Agreement provides as follows:

> Claims to which reference is made in Article 1 and which are settled and discharged by this Agreement are claims of nationals of the United States for
>
> (a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property;
>
> (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property . . .; and
>
> (c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland. (Polish Claims Agreement of 1960, supra, Article II)

The Regulations of the Commission provide:

> The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. § 531.6(d) (1961).)

Claimant has submitted no documentary evidence in support of his claim, although in a letter dated June 6, 1962, suggestions were made to him regarding the type of evidence appropriate for submission and the sources from which it might be obtained. At a conference on April 1, 1963, in New York City, scheduled for the purpose of receiving documentary evidence and testimony from him and from any witnesses that he wished to present, claimant submitted his affidavit stating that he is the only heir of Leib Axelrod, assertedly the former owner of the property. However, he admitted that he had made no effort to obtain documentary evidence in support of his claim.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish his ownership of rights and interests in property which was nationalized, appropriated or otherwise taken by the Government of Poland. Accordingly, the claim is denied.

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

JUN 12 1963

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections to this Proposed Decision are filed within 20 days of service thereof, the decision will, upon the expiration of 60 days after such service or receipt of notice, be entered as the Final Decision of the Commission unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. § 531.5 (e) and (g) (1961)).