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

IN THE MATTER OF THE CLAIM OF

WOLF BOKSENBAUM
1611 South Michelle Circle
Memphis, Tennessee

Claim No. PO-2414

Decision No. PO-299

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

Counsel for Claimant:

Leon Halski, Esquire
81 Madison Building
Memphis, Tennessee

FINAL DECISION OF THE COMMISSION

This claim is based upon the asserted ownership and loss by the claimant, WOLF BOKSENBAUM, of real property in Poland, allegedly inherited in 1942 from relatives of Polish nationality. The claimant, who filed his claim May 8, 1961, states that he became a national of the United States by naturalization on December 16, 1960. In a registration of his loss, filed September 25, 1957 on FCSC Form 708, prior to the negotiation of the Polish Claims Agreement, the claimant indicated that he believed the property had been nationalized in 1947. On the official claim form, FCSC Form 709, the claimant has indicated, regarding the date the claim arose, that "it will be proven later."

In Article 1 of the Polish Claims Agreement of 1960, the Government of Poland agreed to pay $40,000,000 in full settlement and discharge of claims of nationals of the United States on account of the nationalization and other taking of property by the Government of Poland "which occurred on or before the entry into force of this Agreement." Under Article 8, it is provided that the Agreement shall enter into force

on the date of signature, which was July 16, 1960. Therefore, unless the loss of the claimant's property occurred on or before July 16, 1960, the claim is not one within the scope of the Agreement.

Additionally, in order for the claim to be compensable, the property must have been owned at the date of loss by one who was then a United States national. This is so because under Section 4(a), Title I, of the International Claims Settlement Act of 1949, as amended, the Commission has jurisdiction over claims of nationals of the United States within the terms of the Polish Claims Agreement; and under Articles 1 and 2 of the Agreement, it is "claims of nationals of the United States" which are settled and discharged thereby. Furthermore, the Commission has held In the Matter of the Claim of Jacob Meisler, Claim No. PO-4436, Decision No. PO-286 that, in order for a claim to be compensable under the Agreement, it must be based upon property which on the date of loss was owned by a person who was then a national of the United States.

Therefore, if claimant's property was nationalized, appropriated, or otherwise taken by the Government of Poland on or before July 16, 1960, as is necessary in order for the claim to be valid under the Agreement, such loss could not give rise to a compensable claim because the claimant was not then a United States national and the claim could not meet the requirement of ownership by a United States national at the date of loss. If the loss of property did occur after December 16, 1960, upon which date the claimant became a United States national, then the claim is not valid under the Agreement because it arose after the Agreement was signed. It follows that whether the loss of property occurred before or after the signing of the Agreement, this claim is not one which is compensable thereunder.

Accordingly, the claim is denied on the ground that if the property was nationalized, appropriated, or otherwise taken, early enough to come within the scope of the Agreement, it was not then owned by a United States national as is required in order to give rise to a valid claim within the meaning of the Agreement.

Dated at Washington, D. C.

APR 25 1962

Edward D. Re

Theodore Jaffe

LaVern R. Dilweg

COMMISSIONERS