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

IN THE MATTER OF THE CLAIM OF

DORA WEINBERG

Claim No. PO-3153

Decision No. PO-1691

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

Counsel for claimant: Robbins & Robbins
by Laurence S. Robbins, Esq.

AMENDED PROPOSED DECISION

This claim, for $55,000, is based upon the asserted ownership and loss of improved real property and personal property in Radom, Kielce, Poland. Claimant, DORA WEINBERG, has been a national of the United States since her naturalization on March 25, 1949.

By Proposed Decision dated October 9, 1963, the claim was denied for the reason that claimant had failed to establish her ownership of rights and interests in property which was nationalized, appropriated, or otherwise taken by the Government of Poland.

Claimant filed objections, and the Commission's field office in Warsaw, Poland, reported on the ownership and condition of the real property at 13 Kilinskiego Street in Radom. On the basis of such new evidence, the Commission now finds that claimant owned a 1/8 interest in the improved real property at 13 Kilinskiego Street in Radom. The Commission also finds, on the basis of Polish laws and decrees controlling rental property, that claimant lost the use and enjoyment of her 1/8 interest in the property within the meaning of Article 2(b) of the Polish Claims Agreement of 1960, on the effective date of the Law of January 30, 1959 (Dz. U. 1959, No. 10, it. 59); i.e., on February 12, 1959. (See the Claim of Jan Glowacki, Claim No. PO-3455.)

In arriving at the value of this property, the Commission has considered claimant's evaluation and the results of its own independent investigation

which shows that the property consists of a parcel of land with an area of 1,900 square meters, improved by a three-story apartment house, built in 1890, having a total volume of 7,500 cubic meters. On the basis of all evidence of record, including evidence of values of similar properties in Poland, the Commission finds that on February 12, 1959 the property had a value of $27,600.00, of which the value of a 1/8 interest amounted to $3,450.00; and concludes that claimant is entitled, under the Polish Claims Agreement of 1960, to compensation in the latter amount.

The Commission has decided that in granting awards on claims under the Polish Claims Agreement of 1960, interest shall be allowed at the rate of 6% per annum from the date of loss to July 16, 1960, the effective date of the Agreement. (See the Claim of John Hedio Proach, Claim No. PO-3197.) Accordingly, the amount of the award will be increased to that extent.

It is ORDERED that the Proposed Decision of October 9, 1963, be amended in accordance with the foregoing.

A W A R D

An award is hereby made to DORA WEINBERG in the principal amount of Three Thousand Four Hundred Fifty Dollars ($3,450.00), with interest thereon at 6% per annum from February 12, 1959 to July 16, 1960, the date of the Polish Claims Agreement, in the sum of Two Hundred Ninety-five Dollars and Fifty-six Cents ($295.56).

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

APR 21 1965

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections to this Amended Proposed Decision are filed within 20 days of service thereof, the decision will, upon the expiration of 30 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) (1964))

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IN THE MATTER OF THE CLAIM OF

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Decision No. 1691

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

PROPOSED DECISION

This claim, for $55,000, is based upon the asserted ownership and loss of improved real property and personal property in Radom, Kielce, Poland. Claimant, DORA WEINBERG, states that she has been a national of the United States since her naturalization on March 25, 1949.

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 evidence in support of her claim, although in a letter dated August 15, 1962, suggestions were made to her regarding the type of evidence appropriate for submission and the sources from which it might be obtained. Claimant has failed to respond to a letter dated July 12, 1963 in which she was informed that if no reply was received within 60 days, it might become necessary to make a determination of this claim on the basis of the present record.

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

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

OCT 9 1963

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

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)).