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

IN THE MATTER OF THE CLAIM OF

JACOB MEISLER
162 Bergen Avenue
Jersey City, New Jersey

Claim No. PO-4436

Decision No. PO-286

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

FINAL DECISION OF THE COMMISSION

This is a claim based upon the asserted ownership and loss by the claimant, JACOB MEISLER, of merchandise valued at $15,000.00.

Claimant herein states that he became a citizen of the United States through naturalization on September 12, 1955 at Jersey City, New Jersey. According to his claim he owned merchandise in Rovno, Poland, (now in the U.S.S.R.) which was taken by governmental action on September 2, 1939. In a registration form filed with the Commission on September 30, 1957, prior to the negotiation of the Polish Claims Agreement, claimant reported that the merchandise was "confiscated for the Polish Army", on September 2, 1939.

Under Section 4(a), Title I, of the International Claims Settlement Act of 1949, as amended, the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960, Article 2 of which 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.

Annex A to the Agreement defines claims of nationals of the United States as rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of nationalization, appropriation, or other taking to the date of entry into force of the Agreement (July 16, 1960), have been continuously owned by juridical persons (such as corporations) fulfilling certain requirements, or by natural persons who were nationals of the United States.

Thus where property was owned by a natural person at the time of its nationalization, appropriation, or other taking, a claim based upon such loss of property will not be compensable under the Agreement unless such person was a national of the United States at the time of such nationalization, appropriation, or other taking, and also unless the claim was owned continuously thereafter until July 16, 1960 by a national or nationals of the United States.

For a definition of the term "nationals of the United States," we refer back to Section 2(c), Title I, of the International Claims Settlement Act of 1949, as amended, which provides that:

> The term "nationals of the United States" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

Further discussion of the meaning of the term "nationals of the United States" is found in The Matter of the Claim of Fajbus Zakrzewski,

Claim No. PO-1695, Decision No. PO-83, where the Commission held that one who had filed a declaration of intention to become a citizen of the United States but had not yet become a citizen, was not such a person as was within the meaning of the term "national of the United States," as used in the Polish Claims Agreement of 1960.

JACOB MEISLER, the claimant herein, has offered no proof of the allegations put forth in his claim. However assuming, arguendo, that the facts are as stated, it is clear that the claim cannot be considered as valid under the Polish Claims Agreement. Claimant asserts that his property was taken by Poland on September 2, 1939, while he became a citizen of the United States on September 12, 1955. It is obvious that the property upon which this claim is based was not owned by a national of the United States on September 2, 1939, the alleged date of loss, as is required for compensation under the provisions of the Agreement discussed above.

Inasmuch as the claimant's rights and interests with respect to the property upon which the claim is based have not been owned continuously by a national of the United States from the date of loss of the property to July 16, 1960, the claim is not a claim of a national of the United States as defined in Annex A to the Polish Claims Agreement of 1960. Accordingly, the claim is hereby denied.

Dated at Washington, D. C.

APR 25 1962

Edward D. Re

Theodore Jaffe

LaVern R. Dilweg

COMMISSIONERS

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JACOB MEISLER
162 Bergen Avenue
Jersey City, New Jersey

Claim No. PO-4436

Decision No. PO- 286

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

GPO 908483

PROPOSED DECISION OF THE COMMISSION

This is a claim based upon the asserted ownership and loss by the claimant, JACOB MEISLER, of merchandise valued at $15,000.00.

Claimant herein states that he became a citizen of the United States through naturalization on September 12, 1955 at Jersey City, New Jersey. According to his claim he owned merchandise in Rovno, Poland, (now in the U.S.S.R.) which was taken by governmental action on September 2, 1939. In a registration form filed with the Commission on September 30, 1957, prior to the negotiation of the Polish Claims Agreement, claimant reported that the merchandise was "confiscated for the Polish Army", on September 2, 1939.

Under Section 4(a), Title I, of the International Claims Settlement Act of 1949, as amended, the Commission is given jurisdiction over claims of nationals of the United States included within the terms of the Polish Claims Agreement of 1960, Article 2 of which 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
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> (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.

Annex A to the Agreement defines claims of nationals of the United States as rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of nationalization, appropriation, or other taking to the date of entry into force of the Agreement (July 16, 1960), have been continuously owned by juridical persons (such as corporations) fulfilling certain requirements, or by natural persons who were nationals of the United States.

Thus where property was owned by a natural person at the time of its nationalization, appropriation, or other taking, a claim based upon such loss of property will not be compensable under the Agreement unless such person was a national of the United States at the time of such nationalization, appropriation, or other taking, and also unless the claim was owned continuously thereafter until July 16, 1960 by a national or nationals of the United States.

For a definition of the term "nationals of the United States," we refer back to Section 2(c), Title I, of the International Claims Settlement Act of 1949, as amended, which provides that:

> The term "nationals of the United States" includes (1) persons who are citizens of the United States, and (2) persons who, though not citizens of the United States, owe permanent allegiance to the United States. It does not include aliens.

In the Matter of the Claim of Fajbus Zakrzewski, Claim No. PO-1695, Decision No. PO-83, this Commission held that one who had filed a declaration of intention to become a citizen of the United States, but had not yet become a citizen, was not such a person as

was within the meaning of the term "national of the United States," as used in the Polish Claims Agreement of 1960.

JACOB MEISLER, the claimant herein, has offered no proof of the allegations put forth in his claim. However assuming, arguendo, that the facts are as stated, it is clear that the claim cannot be considered as valid under the Polish Claims Agreement. Claimant asserts that his property was taken by Poland on September 2, 1939; he became a citizen of the United States on September 12, 1955. It is clear that the property upon which this claim is based was not owned by a national of the United States on September 2, 1939, the alleged date of loss, as is required for compensation under the provisions of the Agreement discussed above.

Inasmuch as the claimant's rights and interests with respect to the property upon which the claim is based have not been owned continuously by a national of the United States from the date of loss of the property to July 16, 1960, the claim is not a claim of a national of the United States as defined in Annex A to the Polish Claims Agreement of 1960, and is accordingly denied.

Dated at Washington, D. C.

JAN 3 1 1962

BY DIRECTION OF THE COMMISSION

Francis T. Masterson

Francis T. Masterson
Clerk