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

IN THE MATTER OF THE CLAIM OF

MIRLA LEWKOWICZ

Claim No. PO-10903

Order No. PO-1000

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

ORDER

This claim was filed under the provisions of the Polish Claims Agreement (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]) and the International Claims Settlement Act of 1949, as amended, (64 Stat. 12 (1950), 22 U.S.C. § 1621-1642 (1958)).

Section 4(b) of the aforesaid Act provides that the Commission "shall give public notice of the time when, and the limit of time within which, claims may be filed, which notice shall be published in the Federal Register." (64 Stat. 13 (1950), 22 U.S.C. § 1623(b) (1958)).

Pursuant to the Congressional mandate, the Commission published in the Federal Register of August 16, 1960 public notice that claims against the Government of Poland under Title I of the Act were to be filed with the Commission on or before September 30, 1961 (25 Fed. Reg. 7794 (1960)). Subsequently, the Commission extended the time for filing claims against the Government of Poland under Title I of

the Act by publishing notice in the Federal Register of September 30, 1961 that claims were to be filed with the Commission on or before March 31, 1962 (26 Fed. Reg. 9226 (1961)). The filing period expired on that date with the possibility of a later timely submission of completed claim forms permitted only under Section 531.2(f) of the Regulations of the Commission which provides:

> Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period therefor shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period. (FCSC Reg., 45 C.F.R. § 531.2(f) (1961)).

This claim was not filed within the prescribed time as stated above. However, the Commission has held that it has inherent equitable jurisdiction under Title I of the Act to accept a late claim as timely filed (See Claim of Estate of Oscar Rosenthal, Claim No. PO-10884; Decision No. PO-1536). In order for the Commission to accept a late claim, a claimant is required to establish, among other things, (1) that compelling reasons existed which would excuse his failure to file on time, and (2) that he has a valid claim under the Polish Claims Agreement of 1960. In this instant case, claimant has failed to meet these requirements. It is, accordingly,

ORDERED that the claim be and it is hereby denied for late filing.

Dated and entered at
Washington, D. C.

MAR 17 1965

Edward D. Re, Chairman

Theodore Jaffe, Commissioner

LaVern R. Dilweg, Commissioner