

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
UNITED STATES DEPARTMENT OF JUSTICE  
WASHINGTON, DC 20579

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In the Matter of the Claim of

OLGA F. ANASTAS

Against the Government of Albania

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Counsel for Claimant:

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Claim No. ALB-111

Decision No. ALB-205

Richard E. Blumsack, Esquire

**PROPOSED DECISION**

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Korce.

Under section 4(a) of Title I of the International Claims Settlement Act of 1949 ("ICSA"), as amended, the Commission has jurisdiction to

receive, examine, adjudicate, and render final decisions with respect to claims of . . . nationals of the United States included within the terms of . . . any claims agreement on and after March 10, 1954, concluded between the Government of the United States and a foreign government (exclusive of governments against which the United States declared the existence of a state of war during World War II) . . . providing for the settlement and discharge of claims of . . . nationals of the United States against a foreign government, arising out of the nationalization or other taking of property, by the agreement of the Government of the United States to accept from that government a sum in en bloc settlement thereof.

22 U.S.C. 1623(a) (1994).

The Governments of the United States and Albania concluded an agreement for en bloc settlement of claims of United States nationals against Albania on March 10, 1995. *Agreement Between the Government of the United States and the Government of the Republic of Albania on the Settlement of Certain Outstanding Claims*, March 10, 1995 (entered into force April 18, 1995) ("Settlement Agreement"). Claims covered by the Settlement Agreement are

the claims of United States nationals (including natural and juridical persons) against Albania arising from any nationalization, expropriation, intervention, or other taking of, or measures affecting, property of nationals of the United States prior to the date of this agreement[.]

Settlement Agreement, Article 1(a).

The claimant in this case has asserted that the property that is the subject of her claim was confiscated by the Albanian government between 1950 and 1960. At that time, according to the claimant, she was the owner of the property in question, having inherited the property from her father in 1917. To establish her United States nationality, claimant has submitted a copy of her Certificate of Naturalization issued in Boston on <sup>5 U.S.C. §552(b)(6)</sup> Claimant has also submitted evidence purportedly establishing her ownership of certain property.

By letter dated March 20, 1996, the Commission advised the claimant's attorney that, for a claim to be eligible for compensation under the U.S.-Albanian Claims Agreement, the confiscated property upon which the claim is based must have been owned by a United States national at the time the property was taken. The claimant was advised that she would need to establish that her property was confiscated sometime after <sup>5 U.S.C. §552(b)(6)</sup> the date of her naturalization. Neither the claimant nor her attorney responded to this letter. By letter dated July 9, 1996 the claimant's attorney was advised that the lack of evidence relating to confiscation could result in a denial of the claim. No substantive response has been received to date.

Section 531.6(d) of the Commission's regulations provides:

The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of his or her claim.

45 C.F.R. 531.6(d) (1995).

The Commission finds that the claimant has not met the burden of proof to establish that the property which is the subject of her claim was confiscated by the Albanian government subsequent to the time that she acquired United States nationality, namely, <sup>5 U.S.C. §552(b)(6)</sup> In the absence of such evidence, the Commission cannot conclude that claimant's claim is compensable under the

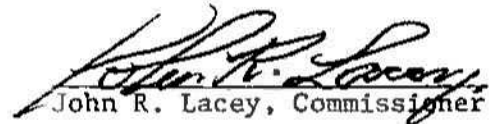
terms of the Settlement Agreement. The claim therefore must be and is hereby denied.

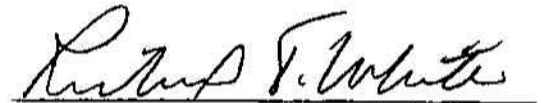
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

NOV 18 1996

  
Delissa M. Ridgway, Chair

  
John R. Lacey, Commissioner

  
Richard T. White, Commissioner

This decision was entered as the Commission's  
Final Decision on JAN 14 1997

NOTICE: Pursuant to the Regulations of the Commission, any objections must be filed within 15 days after service or receipt of notice of this Proposed Decision. Absent objection, this decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. FCSC Regulations, 45 C.F.R. 531.5 (e) and (g) (1995).