

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

In the Matter of the Claim of

CARRIE PARNO

Against the Government of Albania

Claim No. ALB-309

Decision No. ALB-296

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Permet, Albania.

As a preliminary matter, the Commission notes that this claim was received by the Commission after the expiration of the Commission's filing deadline of December 29, 1995. The Commission nevertheless has decided to accept the claim for consideration.

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 asserts that she was born in New Jersey in 1933 and that the property which is the subject of her claim was burned on July 6, 1944. At the time of confiscation, according to the claimant, her mother--said to have been a U.S. citizen-- "was a member of the family whose property was burned." Claimant has stated that her mother died in 1967 and has submitted a translation of a letter from her cousin who states that the entire property was

completely burned in 1943 by the "fascists during the Second World War." The claimant has submitted no evidence in support of her claim.

By Commission letter dated January 7, 1997, the claimant was advised that the Commission's General War Claims program was completed in 1967 and that the Commission no longer had the statutory authority to accept or adjudicate such claims. The claimant was also advised that the U.S.-Albanian Settlement Agreement was limited to claims for confiscation or expropriation of property by the former Communist regime, so that there is no basis for a claim under the current Settlement Agreement unless claimant's family's land was confiscated by the Albanian Government after the destruction of the buildings.

By letter dated January 20, 1997, the claimant requested the Commission to advise her of the type of evidence that would be required to pursue her claim. By Commission letter dated February 6, 1997, the claimant was requested to submit evidence of her and her mother's United States nationality, some evidence of ownership of the properties for which she is claiming, evidence of her mother's inheritance from her family and claimant's own inheritance from her mother. To date, however, no response has been received from the claimant.

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.

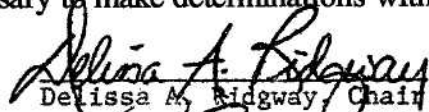
45 C.F.R. 531.6(d) (1995).

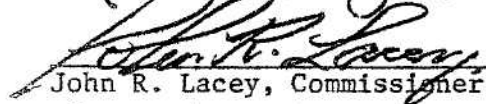
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish any element of her claim, including her and her mother's U.S. nationality, her mother's ownership of the property at issue and the date and circumstances of its alleged confiscation by the Albanian government. Accordingly, the claim must be and is hereby denied.

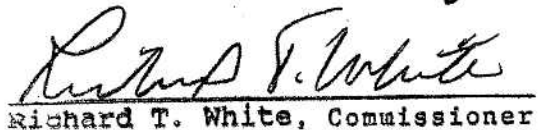
The Commission finds it unnecessary to make determinations with respect to other elements of this claim.

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

FEB 24 1997


Delissa M. Ridgway, Chair


John R. Lacey, Commissioner


Richard T. White, Commissioner

This decision was entered as the Commission's Final Decision on **MAY 06 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).