

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

IRENE MINAS NICOLA

Claim No. IT-2-060

Decision No. IT-2- 43

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim for \$600.00, against the Government of Italy, under Section 304(c), Title III, of the International Claims Settlement Act of 1949, as amended, is based upon the asserted damage to a farmhouse located at Krithares, Menetes, Island of Karpathos, Greece. Claimant, IRENE MINAS NICOLA, states that she is not a national of the United States. The claimant's late husband, Minas George Nicola, an alleged national of the United States since his naturalization on September 6, 1928, filed a claim under Title II of the War Claims Act of 1948, as amended by Public Law 87-846 (Claim No. W-1501), based upon the identical property claimed herein which was denied. That file has been associated with this claim for reference.

Section 304(c), Title III, of the International Claims Settlement Act of 1949 (69 Stat. 570 (1955); 22 U.S.C. §§1641-1641q (1964)), as amended by Section 11 of Public Law 90-421, approved on July 24, 1968 (82 Stat. 420 (1968)), provides as follows:

(c) The Commission shall receive and determine, or redetermine as the case may be, in accordance with applicable substantive law, including international law, the validity and amounts of claims owned by persons who were nationals of the United States on September 3, 1943, and the date of enactment of this subsection, against the Government of Italy which arose out of the war in which Italy was engaged from June 10, 1940, to September 15, 1947, in territory ceded by Italy pursuant to the treaty of peace with Italy: Provided, That no awards shall be made to persons who have received compensation in any amount pursuant to the treaty of peace with Italy or subsection (a) of this section.

Under well established principles of international law, applicable to this claim under subsection 304(c), in order for a claim to be compensable, the property upon which the claim is based must have been continuously owned by a United States national until its filing with the Commission. Furthermore, subsection 304(c) gives the Commission authority to adjudicate claims owned by persons who were nationals of the United States on September 3, 1943 and July 24, 1968, the date of the enactment of the subsection.

The property, for the damage or destruction of which this claim is made, is stated as having been situated in Krithares, Menetes, on the Island of Karpathos, one of the Dodecanese Islands ceded by Italy to Greece pursuant to Article 14 of the treaty of peace with Italy, signed at Paris, France, on February 10, 1947 and effective September 15, 1947 (61 Stat. 1245, TIAS 1648).

Claimant states that she inherited the subject property from her husband, a national of the United States by naturalization on September 6, 1928, upon his death in 1966. She further states that she is not a national of the United States.

In view of such statements, the Commission finds that although the subject property was owned by a national of the United States on the date of the asserted loss in 1944, the claim arising from such loss has not been continuously owned by a national or nationals of the United States to the date of enactment of subsection 304(c) of the Act, namely, July 24, 1968.

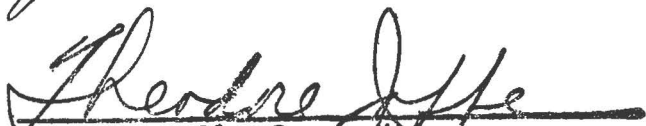
Accordingly, the Commission concludes that it does not have jurisdiction to grant compensation in this claim and it is therefor denied.

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

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

NOV 23 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on JAN 19 1971


Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the 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 Reg., 45 C.F.R. §531.5(e) and (g), as amended.)

IT-2-050