

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

IN THE MATTER OF THE CLAIM OF

HANA BRUML

Claim No. CZ-2-0237

Decision No. CZ-2-0693

PROPOSED DECISION

This claim in the amount of \$500,000 against the Government of Czechoslovakia under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981 (Public Law 97-127, 95 Stat. 1675) is based upon the loss of an apartment building and land at Benediktska ulice 7 in Prague.

The evidence of record indicates that claimant became a United States citizen by naturalization on April 16, 1952.

Under subsection 5(a) of the Czechoslovakian Claims Settlement Act of 1981, the Commission is given the following jurisdiction:

"The Commission shall receive and determine, in accordance with applicable substantive law, including international law, the validity and amount of claims by nationals of the United States against the Government of the Czechoslovak Socialist Republic for losses resulting from the nationalization or other taking of property owned at the time by nationals of the United States, which nationalization or other taking occurred between August 8, 1958, and [February 2, 1982]."

Accordingly, under the law the Commission can grant awards only for property which was taken after August 8, 1958.

At the time of filing her claim, claimant asserted the loss of a 5-story apartment building at Benediktska ulice 7 in Prague. Claimant stated that as of April 1, 1964 she was still listed in the land record as the owner of the property. Claimant

asserted that the operation of the Czechoslovak Civil Code of 1964, which entered into force on April 1, 1964, would have effected the taking of her property and that therefore her loss is compensable under the Act.

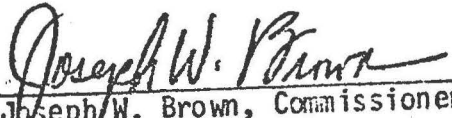
Claimant, however, also submitted a copy of the land extract from the archives in the District Court in Prague. This document states that the claimant became the owner of the subject property in 1948, and that pursuant to a decree of the ONV (District National Committee) in Prague on March 13, 1950, the subject property was put under state management. A document from the Czechoslovak government states that the property was taken under national administration on March 13, 1953. Whether the property was taken under the control of the government in 1950 or in 1953 need not be determined since the Commission is authorized under the Act to grant awards only for the loss of property occurring after August 8, 1958.

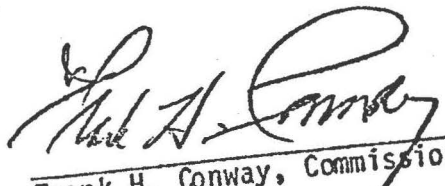
The Commission has considered claimant's assertion that the operation of the 1964 Civil Code would have deprived her of the ownership of her property. In its determination of other claims, the Commission has seen evidence concerning various items of property, which has indicated that there continued to be takings of property after April 1, 1964. In addition, the evidence shows that other properties were placed under national administration after April 1, 1964. It therefore appears that the Civil Code of 1964 was not self-executing, that is, its entering into force did not by itself effect the taking of property. Since there is no further evidence or information in the record which would indicate that claimant's property was taken at any other time after August 8, 1958, the Commission finds that this claim must be and hereby is denied.

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

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

SEP 22 1983


Joseph W. Brown, Commissioner


Frank H. Conway, Commissioner

This is a true and correct copy of the decision of the Commission which was entered as the final decision.

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.)

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