

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 PAPPAS VANGEL

Against the Government of Albania

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Claim No. ALB-063

Decision No. ALB-129

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Vithkuqi, District of 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 is claiming for a four-room house, a barn and approximately 50 acres of farm land in six different locations which she alleges were confiscated by the Albanian government sometime between 1944 and 1945. The claimant asserts that the property was owned by her father, who was naturalized as a United States citizen in 1943.

By Commission letters dated February 5, 1996 and April 29, 1996, the claimant was asked to provide evidence of her and her father's United States nationality as well as some evidence of ownership and inheritance of the claim. The claimant failed to respond to either of those letters. Finally, by letter dated July 17, 1996, the Commission advised the claimant that a review of the Commission's War Claims records indicated that the claimant and her brothers had previously been compensated for damage to a house and barn located in Vithkuqi. *Claim of VANTHIA DUNE PAPPAS, OLGA VANGEL, MITCHELL DUNE and STEVE C. DUNE*, Claim No. W-18521, Decision No. W-19208 (1967). The claimant was also advised that, as a result of that decision, she bore the burden of establishing that the house and stable for which she now is claiming still existed and were confiscated by the Albanian government. To date, no response has been received. The claim file contains no evidence other than the completed claim form.

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 her father's ownership of the property which is the subject of her claim, or the date and circumstances of its alleged confiscation. In the absence of such evidence, the Commission must conclude that claimant's claim is not 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.

OCT 07 1996

  
Delissa A. Ridgway, Chair

  
Richard T. White, Commissioner

This decision was entered as the Commission's

Final Decision on DEC 03 1996

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) (1994).