

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

In the Matter of the Claim of

STEVE JAMES TOLIA  
LEO L. TOLIA

Against the Government of Albania

Claim No. ALB-068

Decision No. ALB-190

PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real property located in Lume Arize, near Sinice and Qyteze, 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 claimants in this case have asserted that the property that is the subject of their claim was confiscated by the Albanian government in 1950. At that time, according to the claimants, the property was owned by their father, Sam Jim Tolia, a United States national since 1927.

By letters dated February 9, 1996, March 28, 1996, April 10, 1996 and June 26, 1996, the Commission requested the claimants to provide some evidence of their father's ownership of the property in question and the date and circumstances of its alleged confiscation. In response, claimant LEO L. TOLIA submitted evidence establishing that he acquired United States

nationality by birth in 5 U.S.C. §552(b)(6). However, claimant STEVE JAMES TOLIA has not submitted any evidence of his United States nationality. No other substantive response has been received to date from the claimants.

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.

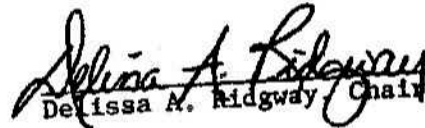
45 C.F.R. 531.6(d) (1995).

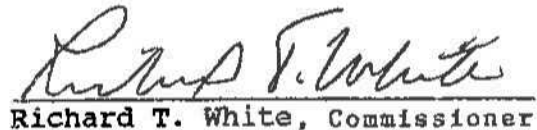
The Commission finds that the claimants have not met the burden of proof in that they have failed to submit supporting evidence to establish their father's ownership of the property which is the subject of their claim, or the date and circumstances of its alleged confiscation. One claimant has not even established his U.S. nationality. In the absence of such evidence, the Commission must conclude that the claimants' 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) (1995).