

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

In the Matter of the Claim of

HARITINI POULOS

Against the Government of Albania

Counsel for Claimant:

Claim No. ALB-075

Decision No. ALB-183

George S. Gatses, Esquire

AMENDED FINAL DECISION

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

By Proposed Decision entered on October 7, 1996, the Commission denied this claim, on the ground that claimant had failed to submit supporting evidence to corroborate her assertion that her father had owned the property on which her claim is based and that she is entitled to claim for it as her father's sole heir, or to establish the date and circumstances of the confiscation or other taking of the property by the Albanian Communist regime. In the absence of an objection from the claimant, the Proposed Decision was then entered as final on December 3, 1996.

The decision on claimant's claim was mailed to her in care of her counsel of record, whose address at the time was listed as 5017 Cermak Road, Cicero, Illinois 60650. However, in February 1999, in the course of a discussion between claimant's counsel and the Commission's Chief Counsel concerning other matters, claimant's counsel mentioned that he had relocated his law offices in October 1996, and he stated that he never received the Commission's decision on his client's claim. In addition, he stated that he had been unaware until recently that claimant had named him as her counsel of record when she originally submitted her Statement of Claim in October 1995.

In light of this information, the Commission has extended claimant an opportunity to collect additional evidence to support her claim. In addition, the Commission requested its independent consultant in Albania to search for documentation from the local land records that might corroborate the facts of her claim, and it also obtained from the National Archives a copy of the file in the claim submitted by her father in the Commission's Italian Claims Program (*Claim of STEVE J. JURRIS*, Claim No. IT-10,240, Decision No. IT-616 (1958)).

The Commission's Albanian consultant has reported that he searched the government archives in Gjirokaster but was unable to find any record of ownership of agricultural property under the name Jurris. By letters dated April 6, 1999, and June 1, 1999, claimant informed the Commission that a contact of hers in Catista had viewed records allegedly confirming that her father, Steve Jurris, had owned land there, and with the second letter she enclosed a copy of a *Vertetim* ("Verification") dated May 11, 1999, and signed by an official of the Cadastral Office of Gjirokaster averring that according to the "property list" for the year 1958, one "Fotini Xh. Xhuri" was the listed as owner of 248 square meters of *Truall* (building plot) in the village of Catiste. According to the claimant, Fotini Xh. Xhuri was her mother. With this letter claimant also enclosed a copy of a letter written in Greek, subsequently translated into English, from one P. Aidonis in Catiste, recounting his efforts to obtain documentation to support claimant's claim. However, this letter does not establish the ownership of any additional property by claimant, her mother or father, or any other predecessor. In addition, although claimant asserts in a further letter to the Commission dated June 12, 1999, that "6 pieces of property have been identified at the courthouse with [her] father's name," her assertion is not supported by any other evidence in the record.

As for the claim submitted by claimant's father, which was for property damage inflicted by Italian military forces in September 1943, the Commission determined that claimant's father, Steve J. Jurriss, had owned a one-half interest in an eight-room house, cistern, stable, barn, and vineyard, together with certain furniture, personal effects, tool, implements, and livestock located therein, and that as a result of the destruction and pillaging of this property by the Italian military forces, he sustained damages in the total principal amount of \$1,860.00. Compensation for the destruction and loss of the other one-half interest was awarded to claimant's uncle, Gust Jurriss.

Claimant asserts that after the war, her father sent funds from the United States with which her mother was able to pay for reconstruction of their house. As for the subsequent confiscation of the property, claimant has submitted an affidavit by her cousin, Pete (Petros) Stoyas, in which he avers that following claimant's escape with her mother to Greece in 1956, the authorities seized one-half of the property, but that they allowed claimant's grandmother, Anastasia Jurriss, to continue living in the other half until her death in 1958 or 1959, at which time they also seized the remaining portion of the property.

According to the claimant, her father died intestate in Illinois on February 23, 1974, and she and her mother, Fotini Jurriss, survived him as the sole heirs

of his estate. Claimant was born in Albania on 5 U.S.C. §552(b)(6) but has been a United States citizen since birth, by virtue of her father's earlier naturalization as a United States citizen on May 18, 1926. Claimant's mother was naturalized as a United States citizen on April 19, 1966, and died in Illinois on December 29, 1992, leaving claimant as the sole heir of her estate.

In view of the length of time (almost four years) that has passed since this claim was filed, and the need to complete the Albanian claims program, the Commission has concluded that it must proceed to a final resolution of this claim. Accordingly, based on the record as now supplemented, the Commission finds that claimant is the owner by inheritance through her mother from her father of a claim for the loss of a one-half interest in a house and land, including a vineyard, and a number of household furnishings and farm animals in the village of Catiste through confiscation by the Albanian Communist regime in 1958. For lack of a precise date, the Commission will deem the loss to have occurred as of January 1, 1958. Accordingly, claimant is entitled to an award for this loss, dating from January 1, 1958.

As for the value of claimant's father's one-half interest in the property at the time of confiscation, claimant asserted in her Statement of Claim that its value at that time was \$88,000. However, she has submitted no documentation or

other evidence of any kind to support such a figure, and considered in light of the valuation determined by the Commission in claimant's father's Italian war damage claim, cited above, that figure is clearly exaggerated.

Based on the entire record, and having compared the property here in question with those for which values have been determined in other claims, the Commission finds that claimant's father's interest in the property in question was \$4,000.00 at the time of confiscation. Accordingly, claimant is entitled to an award in the principal amount of \$4,000.00, dating from January 1, 1958.

In accordance with applicable principles of international law and its decisions in previous claims programs, the Commission concludes that claimant is also entitled to interest as part of her award, amounting to 6 percent simple interest per annum from the date of loss to the effective date of the Settlement Agreement. Accordingly, claimant is entitled to an interest award of 235.8 percent of her principal award, or \$9,432.00.

Under the terms of the U.S.-Albania Settlement Agreement, the United States Government has agreed to advise the Albanian authorities of the issuance of the Commission's awards so as to prevent any double recovery. A copy of this decision will therefore be forwarded to the Albanian government in due course.

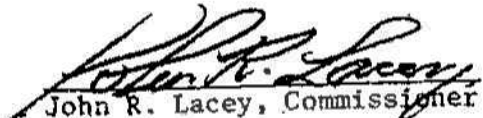
The Commission therefore withdraws the denial of this claim set forth in the Proposed Decision, and instead enters the award set forth below, which will be certified to the Secretary of the Treasury for payment in accordance with sections 5, 7, and 8 of Title I of the International Claims Settlement Act of 1949, as amended (22 U.S.C. §§1624, 1626, and 1627). This constitutes the Commission's final determination in this claim.

AWARD

Claimant HARITINI POULOS is entitled to an award in the principal amount of Four Thousand Hundred Dollars (\$4,000.00), plus interest from January 1, 1958, to April 18, 1995, in the amount of Nine Thousand Four Hundred Thirty-Two Dollars (\$9,432.00), for a total award of Thirteen Thousand Four Hundred Thirty-Two Dollars (\$13,432.00).

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

JUN 17 1999


John R. Lacey, Commissioner


Richard T. White, Commissioner

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PROPOSED DECISION

This claim against the Government of Albania is based upon the alleged confiscation of real and personal property located in Tsiatista (Chriarista), District of Gjirokaster.

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 has stated that the properties which are the subject of her claim were confiscated by the Albanian government in 1956, when she and her mother escaped to Greece. At the time of confiscation, according to the claimant, the properties were owned by her father, Steven Jarris. The claimant has established that Steven Jarris acquired United States nationality by naturalization on May 18, 1926.

*The Statement of Claim form identifies both Haritini and Tom Poulos as the claimants. However, Tom Poulos has not signed the form nor has he indicated the basis or extent of his alleged interest in the claim.

By letters dated February 9, 1996 and July 9, 1996 to claimant's attorney, the Commission requested that the claimant submit evidence of her father's ownership of the properties claimed for, evidence of her inheritance from her father and some evidence of the properties' alleged confiscation by the Albanian government. To date, however, no substantive response has been received.

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.

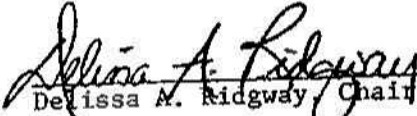
45 C.F.R. 531.6(d) (1995).

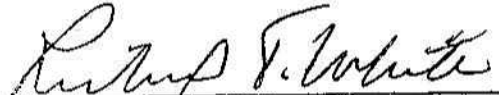
The Commission finds that the claimant has not met the burden of proof in that she has failed to submit supporting evidence to establish her father's ownership of the properties which are the subject of her claim, evidence of her inheritance from her father or the date and circumstances of the properties' 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) (1995).