

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

HENRY PECQUET DU BELLET  
324 W. 56th Street  
New York, New York

Claim No. SOV-41,503

Decision No. SOV-3054

Under the International Claims Settlement  
Act of 1949, as amended

GPO 942329

Counsel for Claimant:

SPAULDING, REITER & ROSE  
1311 G Street, N. W.  
Washington, D. C.

FINAL DECISION

The Commission issued its Proposed Decision on this claim on April 13, 1959, a copy of which was duly served on claimant's attorney. The Proposed Decision denied the claim for the reason that claimant failed to submit sufficient evidence to enable the Commission to determine the validity of the claim. Claimant's attorney, upon receipt of the Proposed Decision, filed objections to same and requested an oral hearing for the purpose of introducing evidence and argument in support of the objections. Pursuant to such request, a hearing was scheduled and held before the Commission on May 28, 1959.

Prior to the aforementioned hearing, claimant submitted evidence showing that the claimant has been a citizen of the United States since his birth in Russia on January 15, 1901. At the hearing claimant withdrew his claim for loss of property and testified in support of his claim based on false imprisonment. He stated under oath that he was drafted in the Soviet Navy on May 11, 1920; that he did not protest against the conscription and did not invoke diplomatic protection as a United States citizen, because such action would have resulted in most severe punishment by the Soviet military authorities, and also because there was no diplomatic representation of the United States in Russia at that time; that he served in the Soviet Navy until July 31, 1922, when he was released; and that he escaped from Petrograd to Finland on September 23, 1922, helped by officials of the American Relief Administration who were then stationed in Russia. Claimant also stated under oath, that during his stay in the Soviet Navy he suffered from malnutrition, but that he was treated like any other Soviet sailor.

The Commission having given full consideration to all the evidence of record including the argument made by claimant's counsel at the hearing, finds that claimant has been a United States citizen since his birth in 1901; that even though he was an American citizen, he did nothing to reveal his nationality before the Soviet military authorities when he was drafted in the Soviet Navy and during more than two years of

his service in that Navy; and that he did not protest against the draft after his release and subsequent to his departure from Russia. It further appears that claimant did not assert a claim against the Soviet Government for more than 35 years, and not until he filed his Statement of Claim with the Commission. On the basis of all the evidence and data presently on record, the Commission concludes that claimant's conscription and service in the Soviet Navy did not amount to a false imprisonment and that claimant has not established a compensable claim under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended.

In view of the foregoing, it is

ORDERED that the Proposed Decision, for the reasons and grounds set forth above, be and is hereby entered as the Final Decision on this claim.

Washington 25, D. C.

ZRR  
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*[Handwritten initials]*

JUN 19 1959

*Whitney Hilliland*  
*Legal Sec*  
*Robert L. Kungig*  
COMMISSIONERS

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON 25, D. C.

IN THE MATTER OF THE CLAIM OF

HENRY PECQUET DU BELLET  
324 W. 56th Street  
New York, New York

Claim No. SOV-41,503

Decision No. SOV- 3054

Under the International Claims Settlement  
Act of 1949, as amended

epo 16-72126-1

Counsel for Claimant:

SPAULDING, FEITEL & ROSE  
1311 G Street, N. W.  
Washington, D. C.

PROPOSED DECISION

This claim for an undetermined amount against the Soviet Government under Section 305(a)(2) of the International Claims Settlement Act of 1949, as amended, is based upon the asserted fact that claimant was illegally forced into military service and that he was deprived of his property.

Section 305(a)(2) of the Act provides for the receipt and determination by the Commission, in accordance with applicable substantive law including international law, of the validity and amounts of claims arising prior to November 16, 1933, of nationals of the United States against the Soviet Government.

The record is barren of any evidence with respect to claimant's nationality, to the asserted injuries, and taking of property.

The burden of proof in establishing a claim rests on claimant. The requisite evidence to meet such burden did not accompany the Statement of Claim herein, nor has such evidence been filed subsequent to that time, although claimant was invited to do so by the Commission.

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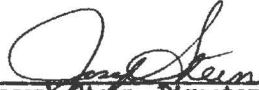
Since the claimant has thus failed to establish the claim, it must  
be, and is hereby, denied.

Dated at Washington, D. C.

APR 13 1959

ZRR  
JSP  
mgf

FOR THE COMMISSION:



Joseph Stein, Director  
Soviet Claims Division