

SUBCHAPTER C—RECEIPT, ADMINISTRATION, AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

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AUTHORITY: Sec. 3, Pub. L. 81-455, 64 Stat. 12, as amended (22 U.S.C. 1622).

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§ 531.1 Time for filing.

Claims shall be filed as specified by the Commission by duly promulgated notice published in the FEDERAL REGISTER, or as specified in legislation passed by Congress, as applicable.

§ 531.2 Form, content and filing of claims.

(a) Unless otherwise specified by law, or by regulations published in the FEDERAL REGISTER, claims shall be filed on official forms provided by the Commission upon request in writing addressed to the Commission at its office at 1111 20th Street, NW., Washington, DC 20579; shall include all of the information called for in the appropriate form; and shall be completed and signed in accordance with the instructions accompanying the form.

(b) Notice to the Foreign Claims Settlement Commission, the Department of State, or any other governmental office or agency, prior to the enactment of the statute authorizing a claims program or the effective date of a lump-sum claims settlement agreement, of an intention to file a claim against a foreign country, shall *not* be considered as a timely filing of a claim under the statute or agreement.

(c) Any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be

considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period.

§ 531.3 Exhibits and documents in support of claim.

(a) If available, all exhibits and documents shall be filed with and at the same time as the claim, and shall, wherever possible, be in the form of original documents, or copies or originals certified as such by their public or other official custodian.

(b) *Documents in a foreign language.* Each copy of a document, exhibit or paper filed, which is written or printed in a language other than English, shall be accompanied by an English translation thereof duly verified under oath by its translator to be a true and accurate translation thereof, together with the name and address of the translator.

(c) *Preparation of papers.* All claims, briefs, and memoranda filed shall be typewritten or printed and, if typewritten, shall be on legal size paper.

§ 531.4 Acknowledgement and numbering.

The Commission will acknowledge the receipt of a claim in writing and will notify the claimant of the claim number assigned to it, which number shall be used on all further correspondence and papers filed with regard to the claim.

§ 531.5 Procedure for determination of claims.

(a) The Commission may on its own motion order a hearing upon any claim, specifying the questions to which the hearing shall be limited.

(b) Without previous hearing, the Commission or a designated member of the staff may issue a Proposed Decision in determination of a claim.

(c) Such Proposed Decision shall be delivered to the claimant or the claimant's attorney of record in person or by mail. Delivery by mail shall be deemed completed 5 days after the mailing of such Proposed Decision addressed to

the last known address of the claimant or the claimant's attorney of record. A copy of the Proposed Decision shall be available for public inspection at the offices of the Commission.

(d) It shall be the policy of the Commission to post on a bulletin board any information of general interest to claimants before the Commission.

(e) When the Proposed Decision denies a claim in whole or in part, the claimant may within 15 days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence or only for the hearing of oral argument upon the errors assigned.

(f) Copies of objections to or requests for hearings on Proposed Decisions shall be available for public inspection at the Commission's offices.

(g) Upon the expiration of 30 days after service or receipt of notice, if no objection under this section has in the meantime been filed, a staff Proposed Decision, upon approval by the Commission, shall become the Commission's final determination and decision on the claim. A Proposed Decision issued by the Commission may become final after 30 days without further order or decision by the Commission.

(h) If an objection has in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof, (1) issue a Final Decision affirming or modifying its Proposed Decision, (2) issue an Amended Proposed Decision, or (3) on its own motion order hearing thereon, indicating whether for the taking of evidence on specified questions or only for the hearing of oral arguments.

(i) After the conclusion of a hearing, upon the expiration of any time allowed by the Commission for further submissions, the Commission may proceed to issue a Final Decision in determination of the claim.

(j)(1) In case an individual claimant dies prior to the issuance of the Final Decision, such person's legal representative shall be substituted as party claimant. However, upon failure of a representative to qualify for substitution, the Commission may issue its

decision in the name of the estate of the deceased and, in case of an award, certify the award in the same manner to the Secretary of the Treasury for payment, if the payment of such award is provided for by statute.

(2) Notice of the Commission's action under this paragraph shall be forwarded to the claimant's attorney of record, or if the claimant is not represented by an attorney, such notice shall be addressed to the estate of the claimant at the last known place of residence.

(3) The term "legal representative" as applied in this paragraph means, in general, the administrator or executor, heir(s), next of kin, or descendant(s).

(k) After the date of filing with the Commission no claim shall be amended to reflect the assignment thereof by the claimant to any other person or entity except as otherwise provided by statute.

(l) At any time after a final Decision has been issued on a claim, or a Proposed Decision has been entered as the Final Decision on a claim, but not later than 60 days before the completion date of the Commission's affairs in connection with the program under which such claim is filed, a petition to reopen on the ground of newly discovered evidence may be filed. No such petition shall be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition subsequent to the date of issuance of the Final Decision or the date on which the Proposed Decision was entered as the Final Decision; that it was not for want of due diligence that such evidence did not come sooner to the claimant's knowledge; and that the evidence is material, and not merely cumulative, and that reconsideration of the matter on the basis of such evidence would produce a different decision. Such petition shall include a statement of the facts which the petitioner expects to prove, the name and address of each witness, the identity of documents, and the reasons for failure to make earlier submission of the evidence.

§ 531.6 Hearings.

(a) Hearings, whether upon the Commission's own motion or upon request