

ORIGINAL DOCUMENTS IN SAF

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Case No. 237

Date of filing: 27 Nov 85

** AWARD - Type of Award _____
 - Date of Award _____
 _____ pages in English _____ pages in Farsi

** DECISION - Date of Decision _____
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** CONCURRING OPINION of _____
 - Date _____
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** SEPARATE OPINION of _____
 - Date _____
 _____ pages in English _____ pages in Farsi

** DISSENTING OPINION of Mr. Aldrich
 - Date 27 Nov 85
2 pages in English 2 pages in Farsi

** OTHER; Nature of document: _____

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IRAN-UNITED STATES CLAIMS TRIBUNAL

دیوان دآوری دعاوی ایران - ایالات متحدہ



CASE NO. 237

CHAMBER TWO

AWARD NO. 204-237-2

LEILA DANESH ARFA MAHMOUD,

Claimant,

and

THE ISLAMIC REPUBLIC OF IRAN,

Respondent.

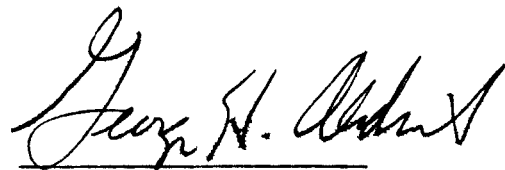
IRAN UNITED STATES CLAIMS TRIBUNAL		دیوان دآوری دعاوی ایران - ایالات متحدہ
ثبت شد - FILED		
Date	27 NOV 1985	تاریخ
	1364/9/6	
No.	237	شماره

DISSENTING OPINION OF GEORGE H. ALDRICH

I respectfully dissent from the conclusion reached by my colleagues in this Award. While the Award properly states that naturalization creates a "strong and not easily rebuttable presumption" in favor of the nationality thus acquired, it then allows it to be rebutted solely by the facts that the Claimant waited a number of years before seeking naturalization in the United States and that she was enabled in the interim to continue to hold and sell parts of her real property in Iran. I believe my colleagues give too much weight to these somewhat ambiguous facts and too little weight to the Claimant's prolonged residence in a single community in the United States with a husband who enjoyed permanent employment there, and to the obvious impact of the Iranian Revolution on the question of her dominant nationality.

There is no doubt that, by the spring of 1980 when the claim arose, both of the Claimant's nationalities were real

and effective. Given her prolonged and continuous residence in the United States as the spouse of a U.S. national prior to her naturalization, the solemn act of naturalization should have been sufficient to make her United States nationality dominant in the absence of convincing evidence to the contrary. Where I differ from my colleagues is in my evaluation of that evidence. In my view, neither her delay in seeking U.S. nationality nor her retention of an inherited ownership interest in real property in Iran constitute such convincing evidence, particularly in light of the facts that she owned only a three-fourths undivided interest in the property, that her aged father owned the remainder and that other members of the family were living on the property. Moreover, the connection with Iran evidenced by the Claimant's ownership of property in Iran was extinguished by the acts giving rise to the claim.

A handwritten signature in dark ink, appearing to read "George H. Aldrich", written in a cursive style.

George H. Aldrich