

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

THOMAS B. ANDERSON
DOROTHY C. ANDERSON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0185

Decision No. CU

616

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$35,800.00, was presented by THOMAS B. ANDERSON and DOROTHY C. ANDERSON and is based upon the asserted loss of land, buildings and personal property in Cuba. Claimant THOMAS B. ANDERSON has been a national of the United States since his birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

This claim is based upon the loss of 30 acres of deeded land and 90 acres of leased land, a home and barn, and miscellaneous personal property located on the Isle of Pines, Cuba. In support of this claim, the claimants have submitted a translation of a deed which indicates that claimant, THOMAS B. ANDERSON acquired 10 acres of land on the Isle of Pines in 1929 for 1800 pesos, a translation of a deed which indicates that he acquired 10 acres of land on the Isle of Pines in

1940 for 130 pesos, and a translation of minutes of an auction which indicates that THOMAS B. ANDERSON bought, subject to redemption rights of the seller, 10 acres of land on the Isle of Pines in 1958 for \$86.00. No evidence has been submitted to establish that claimant owned the above-mentioned property on the date of loss. Additionally, no evidence has been submitted to support the claim for the remaining 90 acres of real property under lease by claimant, the sum of \$19,000.00 claimed as the value of the real property or the ownership, nationalization and value of the house, barn, and personal property claimed.

By Commission letter dated July 5, 1966, claimant was advised as to the type of evidence proper for submission to establish this claim under the act. Thereafter, by letters of August 23, 1967 and October 4, 1967, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter. No evidence in response to these letters has been received at any time. On September 20, 1967, claimant DOROTHY B. ANDERSON in a letter to the Commission stated, "Since at the present time, any reimbursement seems to depend on the whim of a future Cuban government, we do not intend to do anything more about it at this time."

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise

taken by the Government of Cuba and the value thereof. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

16 NOV 1967

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

REGISTRATION

THIS DOCUMENT CONTAINS A COPY OF THE DECISION
OF THE COMMISSION WHICH WAS ENTERED ON THE OFFICIAL
RECORD ON JAN 4 1968

Thomas H. ...

Clerk of the Commission

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the 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 Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)