

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

IN THE MATTER OF THE CLAIM OF

WILLIAM WHITCOMB STEINHILBER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1045

Decision No. CU-873

Appeal and objections with respect to a Proposed Decision entered on
December 20, 1967. No oral hearing requested.

Hearing on the record held on June 8, 1972

FINAL DECISION

Under date of December 20, 1967, the Commission issued its Proposed Decision denying this claim inasmuch as the claimant had not sustained the burden of proving that he owned 400 shares of the stock of Vertientes-Camaguey Sugar Company on the date of loss, August 6, 1960, as asserted.

Claimant objected to the decision stating that the stock had now been sold and at a loss.

The Commission has held in the Claim of Harry Mitgang (Claim No. CU-2649 which we incorporate herein by reference), that ownership of stock interests in a corporation on the date of nationalization of the corporation vests in the owner an interest in the net worth and an interest in any claim for nationalization, and that the sale of the shares may effect transfer of either or both interests, depending upon the intention of the parties.


Further, the Commission has held in the Claim of John A. Stiehler (Claim No. CU-2725 which we incorporated herein by reference), that the claim which he may have possessed in respect to the nationalized company, was for that interest and not for a decrease in the value of his stock shares. Thus while claimant here may have sustained a loss on the sale of his interest, this is not a certifiable loss under the provisions of the Act.

Claimant has not asserted that he retained any interest in a claim for nationalization, and it is concluded that when he sold his stock, he transferred all rights incident thereto, and moreover a claim for the decrease in value of the stock would not be compensable under the Act.

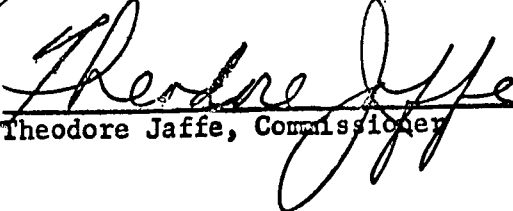
Under these circumstances the Commission is constrained to and does affirm the denial of the claim.

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

JUN 16 1971



Lyle S. Garlock, Chairman



Theodore Jaffe, Commissioner

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

IN THE MATTER OF THE CLAIM OF

WILLIAM W. STEINHILBER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1045

Decision No. CU 873

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 \$2,388.89, was presented by WILLIAM W. STEINHILBER and is based upon the asserted ownership and loss of stock interests in the Vertientes-Camaguey Sugar Company of Cuba. Claimant 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).)

By Commission letter of February 21, 1967, claimant was advised to submit the original stock certificates upon which this claim is based, evidence of the date of purchase and the price paid.

By letter dated March 18, 1967, claimant informed the Commission that he would not submit the stock certificates.

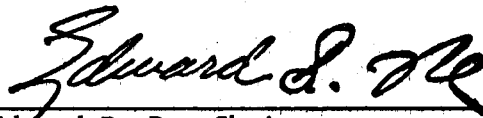
On November 17, 1967, claimant was again invited to submit any evidence available to him within two weeks from that date. No reply to that letter has been received by the Commission.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in

property which was nationalized, expropriated or otherwise taken by the Government of Cuba. 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

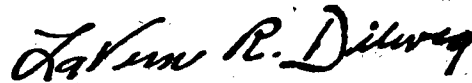
20 DEC 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

COMMUNICATION
This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on [unclear]

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).)