

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

IN THE MATTER OF THE CLAIM OF

HECTOR BETHART

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1157

Decision No. CU-1705

Appeal and objections from a Proposed Decision entered April 24, 1968.  
No oral hearing requested; hearing on the record.

Hearing on the record held on **AUG 18 1971**

FINAL DECISION

The Commission issued its Proposed Decision in this claim on April 24, 1968, denying this claim for the reason that claimant had failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.


Claimant objected generally to the Proposed Decision.

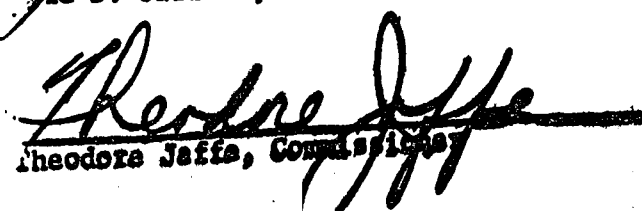
Full consideration having been given to the objections of the claimant, and the entire record, having been reviewed, including claimant's objections; a report from abroad and excerpts from sugar industry manuals, and general notice of the Proposed Decision having been given by posting for 30 days, it is

ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim.

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

**AUG 25 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$272,875.00, was presented by HECTOR BETHART, and is based upon the asserted loss of improved real property, a bank account and stock interests in Cia. Azucarera Central Macagua of Cuba. Claimant has been a national of the United States since his naturalization on December 14, 1943.

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).)

Claimant asserts the ownership of certain improved real property, a bank account and stock interests in the Cia. Azucarera Central Macagua of Cuba; however, claimant has submitted no documentary evidence in support of his claim. By Commission letters of March 23, 1967, and December 7, 1967, claimant was advised as to the type of evidence proper for submission to establish his claim under the Act. Claimant has not responded to the correspondence of the Commission and no evidence has been submitted in support of this claim.

The report of an independent investigation conducted by the Commission indicates that claimant was the owner of a one-half interest in an enterprise known as Central Macagua, S.A. operating in the sugar industry, which interest he assertedly inherited upon the death of his father. However, claimant has not established that he acquired such interest prior to the date of loss, that he retained such interest, nor has he established the value of such interest.

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. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

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

APR 24 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

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).)

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