

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

IN THE MATTER OF THE CLAIM OF

JOSEFA M. DEL MORAL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1416

Decision No. CU -4482

FINAL DECISION

This claim against the Government of Cuba was filed for claimant by her daughter and was thereafter adopted by claimant. It is based on several houses, arable land and a building plot. It was denied on February 5, 1970 for lack of proof.

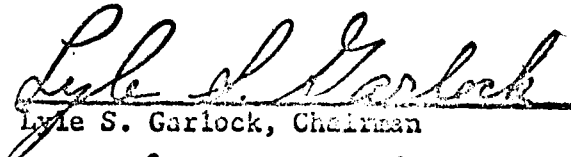
Claimant has since filed evidence that her father was born in the United States, and copy of a Protective Passport issued to her as an American national and other documentation. However, there is no evidence of record as to her ownership of the properties as asserted. The Commission has attempted to obtain such evidence for claimant, but no report has been received nor is it likely that such a report will be received now.

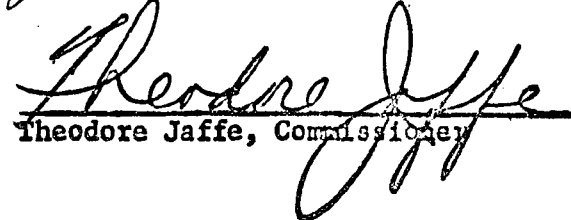
In the absence of such evidence as would warrant a favorable determination, the denial of the claim must be and is affirmed.

However, it is to be noted that if probative evidence is received as to other items of claim in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claims. Such evidence should be received on or before May 1, 1972 in order to permit adequate consideration thereof.

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

SEP 28 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

CU-1416

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PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in an unknown amount was presented by Rosa M. del Moral on behalf JOSEFA M. DEL MORAL and is based upon the asserted loss of real and personal property in Cuba. Claimant has returned to the United States. She states that she is a national of the United States.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 22 U.S.C. §§1613-1613K (1964), as amended, 79 Stat. 986 (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.

The Regulations of the Commission provide:

The claimant shall be the moving part 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).)

The claim is said to be for houses on Maximo Gomez Street, Las Villas, Cuba; for arable land on the outskirts of Sancti Spiritus and land in Trinidad, Las Villas, Cuba.

By Commission letter of June 26, 1967, claimant's daughter was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of June 10, 1968, the Commission made additional suggestions concerning the submission of supporting evidence in this matter.

Although the Commission has attempted to obtain evidence for the claimant there is no certainty this will be received. Claimant has not submitted anything in support.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership of rights and interest 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 claimant.

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

5 FEB 1970

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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).)

CU-1416