

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

IN THE MATTER OF THE CLAIM OF

RODNEY AINSLIE JURGENS

Claim No. CU-1470

Decision No. CU - 641

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered November 15, 1967.
No oral hearing requested; Hearing on the record.

Hearing on the record held on February 14, 1968.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on November 15, 1967, denying it for lack of proof. Claimant objected to the Proposed Decision and submitted a broker's confirmation as proof of ownership of the bonds which are the subject of this claim. Subsequently, by Commission letter of December 6, 1967, claimant was advised that Commission Regulations require the submission of original bonds, and the Commission suggested that he submit them within 20 days from the date of the Commission letter. However, claimant has failed to submit subject bonds; neither has he corresponded further with the Commission to date.

Full consideration having been given to the objections of the claimant, and the entire record, including claimant's objections, having been reviewed, 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.

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

MAY 21 1933

Edward S. Re

Edward S. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

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IN THE MATTER OF THE CLAIM OF

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Claim No. CU 1470

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661

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 \$4,041.31, was presented by RODNEY AINSLIE JURGENS, and is based upon the asserted loss of bonds issued by the Cespedes Sugar Company of Cuba. Claimant has been a national of the United States since his birth in the State of Pennsylvania.

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).)

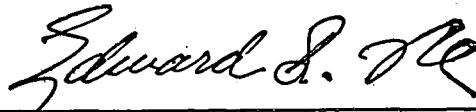
Other than his own statements as set forth in the claim form filed on April 13, 1967, and a photostatic copy of his birth certificate, claimant has submitted no evidence in support of this claim. Accordingly, by Commission letter of June 20, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the provisions of the Act. No evidence was submitted in response to this correspondence.

On September 7, 1967, claimant was invited to submit any evidence available to him within 45 days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. However, no supporting evidence has since been submitted.

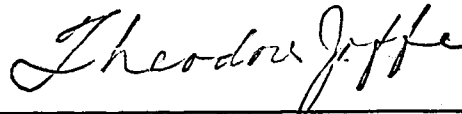
The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby 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

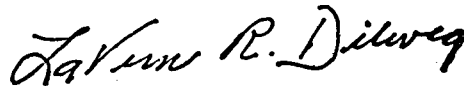
NOV 15 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, 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).)