

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

IN THE MATTER OF THE CLAIM OF

SAMUEL H. DALLAS

Under the International Claims
Act of 1949, as amended

Claimant

Claim No. CU-1505

Decision No. CU- 461

Counsel for claimant:

Saul J. Cooper, Esq.

Appeal and objections from Proposed Decision entered on October 18, 1967;
No oral hearing requested; Hearing on the record.

Hearing on the record held on February 12, 1968.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on October 18, 1967, denying the claim for the reason that claimant failed to establish ownership of rights and interests in property which was nationalized or otherwise taken by the Government of Cuba. Thereafter, claimant objected to the Proposed Decision and submitted certain lists of personal property and copies of stock certificates, but has failed to submit supporting information or evidence relating to ownership, loss and value of the property, subject of the claim.

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.

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

FEB 21 1968

Edward S. Re

Edward S. Re, Chairman

Theodore Jaffe

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 \$134,714.64, was presented by SAMUEL H. DALLAS based upon the asserted loss of stock interests in the Antillian Construction Company and the Cuban Telephone Company doing business in Cuba. Claimant states that he has been a national of the United States since his parents, Charles F. Dallas and Lena D. Dallas, acquired nationality of the United States on February 12, 1931.

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 of 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 in 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 stock interests in the Antillian Construction Company and Cuban Telephone Company of Cuba; however, claimant has submitted no documentary evidence in support of his claim. By Commission letter of May 31, 1967, claimant was advised as to the type of evidence proper for submission to establish his claim under the Act. Thereafter, in a Commission letter of June 13, 1967, additional suggestions were made to the claimant. On June 29, 1967, the Commission was addressed by Saul J. Cooper, Esquire, advising that he had been retained to represent claimant in this matter. Although, in a letter dated July 3, 1967, suggestions were made by the Commission to counsel that he submit supporting evidence and an authorization for representation from claimant, none of the suggested documentation has been submitted.

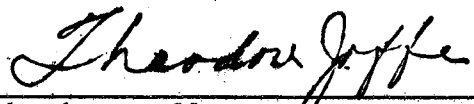
On August 11, 1967, Mr. Cooper and claimant were invited to submit any evidence they might have within 45 days from that date, and they were informed, that, absent such evidence it might become necessary to determine the claim on the basis of the present record. By letter of September 13, 1967, Mr. Cooper inquired as to the status of the claim. He was informed by letter of September 25, 1967, that no reply had been received to the Commission's letters of July 3, 1967 and August 11, 1967. No 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. 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

OCT 18 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).)