

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

IN THE MATTER OF THE CLAIM OF

ST. LOUIS UNION TRUST COMPANY,  
AS AGENT FOR GIRL'S HOME, INC.

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1601

Decision No. CU 4247

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 \$4,748.49, was presented by ST. LOUIS UNION TRUST COMPANY, AS AGENT FOR GIRL'S HOME, INC. based upon the asserted loss of a debt due from a nationalized Cuban entity.

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).)

The official claim form was signed by ST. LOUIS UNION TRUST COMPANY, hereafter referred to as agent, on behalf of GIRL'S HOME, INC., hereafter referred to as claimant. Inasmuch as claimant is a corporation, its eligibility as a national of the United States depends upon compliance with Section 502(1)(B) of the Act. That section defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

Under date of May 1, 1968, the Commission suggested to the agent that evidence be submitted to establish that claimant is a national of the United States within the meaning of Section 502(1)(B) of the Act. The agent's response was it desired information concerning the percentage of the claim that could be recovered so that the agent could determine whether to expend the amount involved in documenting the claim. The Commission advised the agent that the statute does not provide for the payment of claims, but only for the determination of the validity and amount of such claims for possible use by the Department of State in any future negotiations with the Government of Cuba.

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No further word has been heard from the agent or claimant, although the Commission forwarded letters to the agent under dates of June 6, 1968, October 6, 1968, January 23, 1969 and July 31, 1969. Since the address of the claimant is unknown, the Commission could not communicate with the real party in interest.

The Commission finds that the burden of proof has not been met in this case. It has not been established that claimant is a national of the United States within the meaning of Section 502(1)(B) of the Act, and that the claim was owned by a national of the United States from the date of loss until the date of filing with the Commission, as required by Section 504(a) of the Act. Accordingly, this claim is denied in its entirety.

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

NOV 26 1969

*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).)

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