

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

IN THE MATTER OF THE CLAIM OF

MERCEDES SABATER  
GLORIA MARIA LOPEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1697  
CU- 1698

Decision No. CU

**386**

PROPOSED DECISION

These claims against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$34,000.00 and \$103,000.00, respectively, were presented by MERCEDES SABATER and GLORIA MARIA LOPEZ and are based upon the asserted ownership and loss of certain real and personal property, upon certain stock interests, and upon certain medical and death expenses. Claimant, MERCEDES SABATER, has been a national of the United States since her naturalization on June 13, 1941. Claimant, GLORIA MARIA LOPEZ, has been a national of the United States since her birth in the State of California on December 24, 1940.

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 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

(a) . . . 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. . .

(b) . . . disability or death resulting from actions taken by or under the authority of the Government of Cuba . . . .

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.

(b) A claim for disability under section 503(b) may be considered if it is filed by the disabled person or by his successors in interest; and a claim for death under section 503(b) may be considered if filed by the personal representative of decedent's estate or by a person or persons for pecuniary losses and damage sustained on account of such death. A claim shall not be considered under this section unless the disabled or deceased person was a national of the United States at the time of injury or death and if considered, shall be considered only to the extent the claim has been held by a national or nationals of the United States continuously 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).)

Claimants state that they were the owners of certain real and personal property in Cuba which was nationalized by the Government of Cuba; that they owned stock interests in certain Cuban companies which were nationalized; and that they sustained certain pecuniary losses and damage on account of a "wrongful death." However, except for evidence as to their own nationality, claimants have submitted no documentary evidence to establish their claims.

By Commission letter of June 12, 1967, claimants were advised as to the type of evidence proper for submission to establish these claims under the Act. However, no evidence in response to this correspondence has been received to date.

On July 25, 1967, claimants were invited to submit any evidence available to them within 45 days from that date, and they were informed, that, absent such evidence, it might become necessary to determine the claims on the basis of the existing record. Although claimants have since communicated with the Commission, no evidence has since been submitted.

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Moreover, claimants have failed to establish a claim for disability or death within the meaning of Section 503(b) of the Act.

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Thus, the Commission is constrained to deny these claims and they are hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claims.

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

OCT 4 1967

THIS IS A TRUE AND CORRECT COPY OF THE DECISION  
OF THE COMMISSION WHICH WAS ISSUED ON NOV 1 1967  
MAILED TO  
THEODORE JAFFE  
CLERK OF THE COMMISSION

*Edward D. Re*

Edward D. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

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).)