

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

IN THE MATTER OF THE CLAIM OF

A. JAY FRAZIER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1995

Decision No. CU-642

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 proof of his United States nationality. Subsequently, by Commission letter of December 20, 1967, suggestions were made to him as to the type of additional evidence necessary to establish this claim. Specifically, he was requested to submit original securities; statements from brokers who might hold any securities in "street accounts"; and evidence to establish the consideration paid for the securities. Although claimant was advised that this additional evidence should be submitted within 30 days of the date of the Commission letter, no evidence was received in response to this letter.

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

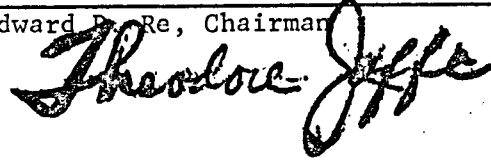
ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim.

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

FEB 21 1968



Edward P. Re, Chairman



Theodore Jaffe, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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IN THE MATTER OF THE CLAIM OF

A. JAY FRAZIER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 1995

Decision No. CU 842

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 \$20,000.00, was filed on behalf of A. JAY FRAZIER, and is based upon the asserted loss of bonds issued by The Cuba Railroad Company. Claimant stated that he has been a national of the United States since his birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964) 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 Morgan Guaranty Trust Company filed a claim (FCSC Claim No. CU-1594), as Trustee on behalf of bondholders in The Cuba Railroad Company. Since claimant, A. JAY FRAZIER, was listed therein as a bondholder, the Commission opened a claim in his name, and solicited the submission of evidence and information in support thereof.

Other than his own statements as set forth in a "Bondholder Statement of Nationality," claimant submitted no evidence in support of this claim filed on April 29, 1967. Accordingly, by Commission letter of June 19, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. In response to the Commission's request for additional

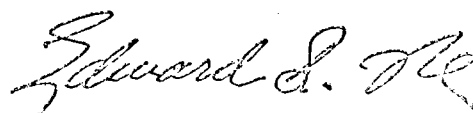
By letter of July 7, 1967, claimant submitted only his own statements regarding ownership of various securities. Thereafter, by Commission letter of July 25, 1967, additional suggestions were made to claimant concerning the submission of supporting evidence in this matter; however, no evidence in response to this correspondence has been received to date.

Finally, and 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. No evidence has since been submitted.

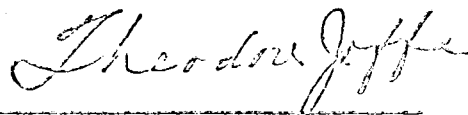
The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

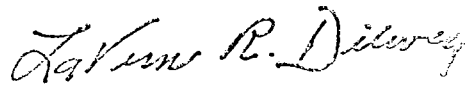
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Edward D. Re, Chairman



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).)