

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

IN THE MATTER OF THE CLAIM OF

DELLA P. GREGORY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2220

Decision No. CU-528

Appeal and objections from Proposed Decision entered October 25, 1967.
No oral hearing requested.

Hearing on the record held on December 19, 1968

AMENDED PROPOSED DECISION

This claim, in the amount of \$64,000.00, presented by DELLA P. GREGORY, a national of the United States since November 11, 1936, based upon the asserted loss of real and personal property in Cuba, was denied by Proposed Decision issued on October 25, 1967, on the ground that claimant had failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

Claimant objected to the Proposed Decision and has submitted additional evidence consisting of official documentation, a photograph, telegraphic communications from the Canadian Embassy in Havana, and affidavits of persons familiar with her property in Cuba. Upon due consideration of the record as presently constituted, it is

ORDERED that the Proposed Decision be and it is hereby amended.

The Commission finds that claimant was the owner of a one-story masonry house of eleven rooms, and a two-car garage plus two storage rooms with a two-room apartment above, situated on a lot of approximately 25,250 square feet in the section of Havana known as Country Club Park. Claimant also owned personal property on the premises consisting of indoor and outdoor furniture,

household equipment and furnishings, china, silverware, and a 1957 Chevrolet automobile. The Commission finds that claimant's property as described above was taken by the Government of Cuba on February 12, 1965, pursuant to Law 989 of December 6, 1961 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

On the basis of claimant's description of the real property and a photograph of the house, a receipt for a copy of the contract of sale, claimant's listing and description of the personal property and corroborating affidavits of three individuals, and giving due consideration to the age and depreciation of the property, the Commission finds that at the time of loss the real property had a value of \$40,000.00 and the personal property had a value of \$15,450.00. Accordingly, the Commission concludes that claimant suffered a loss in the total amount of \$55,450.00 within the meaning of Title V of the Act, as the result of the taking of her real and personal property by the Government of Cuba on February 12, 1965.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement. (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that DELLA P. GREGORY suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-five Thousand Four Hundred Fifty Dollars (\$55,450.00) with interest thereon at 6% per annum from February 12, 1965 to the date of settlement.

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

JAN 8 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended 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].)

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

IN THE MATTER OF THE CLAIM OF

DELLA P. GREGORY

Claim No. CU -2220

Decision No. CU - 528

Under the International Claims Settlement
Act of 1949, as amended

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 \$64,000.00, was presented by DELLA P. GREGORY, and is based upon the asserted loss of land, improvements thereon, and personal property. Claimant stated that she has been a national of the United States since her birth in Ashville, North Carolina.

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).)

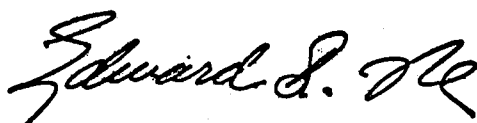
Other than her own statements as set forth in a letter dated January 6, 1967, and in her claim form filed on April 27, 1967, claimant submitted no evidence in support of this claim. Accordingly, by Commission letter of June 20, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Since no evidence was submitted in response to this request, on September 7, 1967, claimant was invited to submit any evidence available to her within 45 days from that date, and she was advised 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.

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The Commission finds that claimant has not met the burden of proof in that she 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

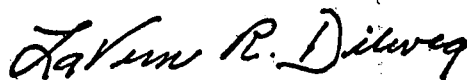
OCT 25 1967



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).)

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