

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

IN THE MATTER OF THE CLAIM OF

GEORGINA GOMEZ WOOD
NERSA HOLLAND
ANA JOSEFA GOMEZ

Claim No. CU-2280
Claim No. CU-2281
Claim No. CU-2282

Decision No. CU-287

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

H. S. Wood & H. L. Wood

Appeal and objections from a Proposed Decision entered September 20, 1967,
no hearing requested.

Hearing on the record held on **AUG 18 1971**

FINAL DECISION

Under date of September 20, 1967, the Commission issued its Proposed Decision on these claims denying them for failure to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

The Commission has now re-examined this matter and additional evidence submitted by claimants. It appears that claimants' interests were assertedly inherited from their father who died on June 8, 1961. It would seem likely that the large plantation assertedly owned by him may have been taken under the Law of Land Reform, possibly in 1959; and further, that the 10-room house assertedly owned by him probably would have passed to the Government of Cuba under the Law of Urban Reform on October 14, 1960.

The record includes a description of the household furnishings, valued at \$3,500.00 which the Commission finds to be fair and reasonable. However, pursuant to the community property law of Cuba, claimants' mother had a one-half interest therein, and upon the death of her spouse, inherited another one-fourth, since claimants assert she inherited one-half of his estate. The remaining one-fourth part, valued at \$875.00 was inherited by ten children, or

individual interests of \$87.50 each.

On December 6, 1961, the Government of Cuba published its Law 989 which effected confiscation of property interests of those who left Cuba. The Commission finds this law applied to these claimants and that their personal property was taken on December 6, 1961.

It may be noted that if probative evidence is received as to other items of claim in sufficient time to permit consideration thereof before the close of the program on June 30, 1972, the Commission will reopen the claims. Such evidence should be received on or before May 1, 1972 in order to permit adequate consideration thereof.

The Commission has decided that in certifications of loss 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.

Accordingly, the following Certifications of Loss will be entered and in all other respects the Proposed Decision is affirmed.

CERTIFICATIONS OF LOSS

The Commission certifies that GEORGINA GOMEZ WOOD 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 Eighty-Seven Dollars and fifty Cents (\$87.50) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement thereof.


The Commission certifies that NERSA HOLLAND 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 Eighty-Seven Dollars and Fifty Cents (\$87.50) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement thereof.


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The Commission certifies that ANA JOSEFA GOMEZ 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 Eighty-Seven Dollars and Fifty Cents (\$87.50) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement thereof.

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

AUG 25 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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Under the International Claims Settlement
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Claim No. CU-2282

Decision No. CU 287

Counsel for claimants:

H. S. Wood & H. S. Wood

PROPOSED DECISION

These claims against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, each in the amount of \$20,616.25, were presented by GEORGINA GOMEZ WOOD, NERSA HOLLAND, and ANA JOSEFA GOMEZ and are based upon the asserted ownership and loss of inherited interests in certain real and personal property. Claimants, GEORGINA GOMEZ WOOD, NERSA HOLLAND, and ANA JOSEFA GOMEZ, have been nationals of the United States since their naturalization on June 10, 1948, September 2, 1952, and March 17, 1955, respectively.

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).)

Claimants assert that they owned certain interests in real and personal property which were nationalized, expropriated, or otherwise taken by the Government of Cuba. However, except for information as to their naturalization and an affidavit from their brother, claimants have submitted no documentary evidence to establish their claims.

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

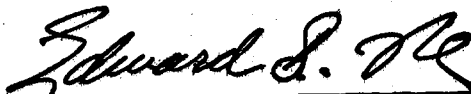
On July 21, 1967, counsel were invited to submit any evidence available to them within 45 days from that date and they were informed, that absent such evidence, it might become necessary to determine the claims on the basis of the existing record. No additional evidence has since been submitted.

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

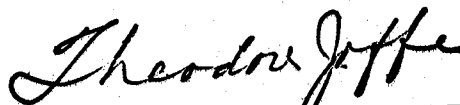
property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny these claims and they are hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claims.

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

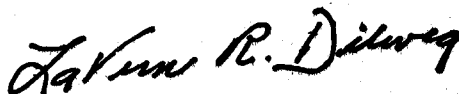
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Edward D. Re, Chairman



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).)