

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

IN THE MATTER OF THE CLAIM OF

MARIA HERRERA REESE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2851

Decision No. CU 83

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by MARIA HERRERA REESE, for \$49,435.00, based upon the asserted ownership and loss of personal property. MARIA HERRERA REESE states that she has been a national of the United States since her naturalization on May 8, 1940.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988), the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section 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, . . .

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.

The claim is based upon a package in a depository in Cuba, containing various items of personal property, chiefly jewelry and silverware, and 37,500 Cuban pesos.

However, the property was placed in the custody of a private depository as distinguished from a deposit made in a bank existing under and subject to the laws of the Government of Cuba.

There is no evidence of record to show that the property has been taken by the Government of Cuba nor has any Cuban law been cited as effecting the loss of this property. It is clear, therefore, that the record in this case does not establish that the personal property upon which this claim is based has been nationalized, expropriated, intervened or otherwise taken by the Government of Cuba.

Moreover, the 37,500 Cuban pesos admittedly were owned by claimant's brother, Antonio M. Herrera. In view of the foregoing, the claim is denied for the reason that the personal property was not taken by the Government of Cuba, and further because the 37,500 Cuban pesos were not owned by claimant, as required for

certification of a loss under the provisions of the Act discussed above.

Other elements of the claim have not been considered.

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

JUN 28 1967

Edward G. Jaffe

Edward G. Jaffe, Chairman

Therese Jaffe

Therese 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 upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

*Order of With drawal
4-26-67*