

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

IN THE MATTER OF THE CLAIM OF

CLARA GARCIA MELTON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. **CU** - 2991

Decision No. **CU** -570

AMENDED PROPOSED DECISION

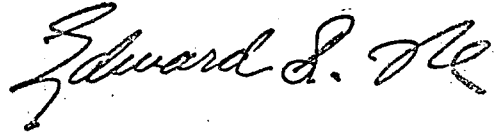
By Proposed Decision dated November 1, 1967, the Commission denied the claim of CLARA GARCIA MELTON, together with the claim of Geraldine Garcia Diaz, on the ground that the claimants failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

The Commission hereby amends the Proposed Decision by deleting therefrom the claim of Geraldine Garcia Diaz. The claim of Geraldine Garcia Diaz will be hereafter dealt with in a separate Proposed Decision.

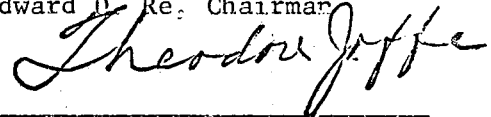
The remainder of the Proposed Decision, insofar as it pertains to the claim of CLARA GARCIA MELTON, is, as amended herein, affirmed as the Proposed Decision of the Commission.

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

8 JAN 1968



Edward D. Re, Chairman



Theodore Jaffe, 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).)

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

IN THE MATTER OF THE CLAIM OF

CLARA GARCIA MELTON
GERALDINE GARCIA DIAZ

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 2991
CU - 2992

Decision No. CU
570

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 amounts of \$18,466.00 and \$17,166.00, were presented by CLARA GARCIA MELTON and GERALDINE GARCIA DIAZ, respectively, and are based upon the asserted ownership and loss of interests in certain improved and unimproved real property, a bank account, life insurance policy, and retirement annuity. Claimants, CLARA GARCIA MELTON and GERALDINE GARCIA DIAZ, have been nationals of the United States since their naturalization on December 21, 1962 and December 19, 1956, 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).)

These claims are based upon claimants' asserted ownership and loss of interests in certain improved and unimproved real property, a bank account, life insurance policy, and retirement annuity. However, except for information concerning their naturalization, claimants have submitted no documentary evidence to establish their claims.

By Commission letter of July 24, 1967, claimants were advised 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.

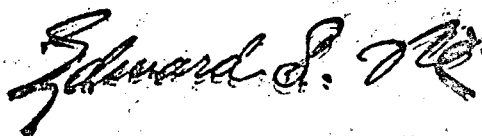
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On August 29, 1967, claimants were invited to submit any evidence available to them within 45 days from that date, and they were informed that, absent such evidence, it might become necessary to determine the claims on the basis of the existing record. Although claimant, CLARA GARCIA MELTON, has since communicated with the Commission, no evidence has since been submitted.

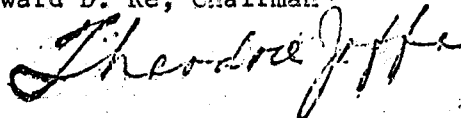
The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny these claims and they 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

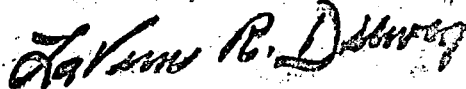
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Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

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CU-2991
CU-2992