

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

IN THE MATTER OF THE CLAIM OF

JESUS ANGEL SUAREZ

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -3005

Decision No. CU
924

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 JESUS ANGEL SUAREZ for \$35,000.00, and is based upon the asserted loss of improved real property resulting from actions of the Government of Cuba. Claimant, JESUS ANGEL SUAREZ, states that he has been a national of the United States since his naturalization on January 17, 1966.

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).)

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

In his claim form, filed on May 1, 1967, claimant states that he was the owner of an apartment house and an undescribed "inheritance" which were taken by the Government of Cuba; and that the asserted loss occurred on April 29, 1967. However, no supporting evidence has been submitted to

establish that any loss occurred subsequent to January 17, 1966, the date on which claimant acquired United States nationality. On the contrary, the likelihood is that the real property, if taken, was taken pursuant to the Urban Reform Law, effective October 14, 1960. Claimant has submitted no evidence other than his own statements as set forth in the claim form in support of this claim. Claimant further states that he did not acquire United States nationality until January 17, 1966.

On the basis of the existing record, the Commission finds that the claimant has failed to establish that the property which is the subject matter of this claim was owned by a national of the United States on the date of loss, a requirement of Section 504(a) of the Act.

Accordingly, for the reason stated above, the Commission concludes that this claim is not one within the purview of Title V of the Act, supra, and it is denied. Other elements of this claim have not been considered.

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

10 JAN 1968

Edward D. Re
Edward D. Re, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

John W. Blawie
John W. Blawie, Commissioner

James Matthews
Clk. of the Commission

RECOMMENDATION
THIS IS A COPY OF THE PROPOSED DECISION OF THE COMMISSION WHICH WAS ENTERED AS THE FINAL DECISION ON JAN 12 1968

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).)