

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES

WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ROYAL S. WEBSTER, JR.  
EDWARD W. WEBSTER  
HELEN WEBSTER PIQUER  
SUSAN W. VARONA  
JEAN WEBSTER COSTA

Claim No. CU-3260  
Claim No. CU-3261  
**Claim No. CU-3262**  
Claim No. CU-3263  
Claim No. CU-3265  
**Decision No. CU**

1856

Under the International Claims Settlement  
Act of 1949, as amended

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 \$964,862.00, were presented by ROYAL S. WEBSTER, JR., EDWARD W. WEBSTER, HELEN WEBSTER PIQUER, SUSAN W. VARONA and JEAN WEBSTER COSTA and are based upon the asserted ownership and loss of interests in certain real and personal property, including stockholder interests and debts. Claimants state that they have been nationals of the United States since birth.

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 interests in certain real and personal property, including stockholder interests and debts, assertedly confiscated by the Cuban Government in 1961-2. However, except for their own letters and statements in the claim forms, claimants have submitted no documentary evidence to establish their claims.

By Commission letters of June 30, 1967, claimants were advised as to the type of evidence proper for submission to establish these claims under the Act.

On August 22, 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.

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Claimants EDWARD W. WEBSTER and SUSAN W. VERONA requested the assistance of the Commission in establishing their claims. By letters of October 6, 1967 and October 11, 1967, the Commission made additional suggestions to claimants, SUSAN W. VERONA and EDWARD W. WEBSTER, concerning the submission of supporting evidence in this matter. The Commission has not succeeded in obtaining evidence on behalf of claimants.

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership by a national or nationals of the United States 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 these claims.

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

MAY 8 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

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).)

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