

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

IN THE MATTER OF THE CLAIM OF

ANA MARIA REILLY

Claim No. CU-3620

Decision No. CU -381

Under the International Claims Settlement  
Act of 1949, as amended

Revised and final order

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Appeal and objections from a Proposed Decision entered October 4, 1967.  
No oral hearing requested; Hearing on the record.

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Hearing on the record held on December 14, 1967.

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FINAL DECISION

The Commission issued its Proposed Decision in this claim on October 4, 1967 denying this claim, for improved real property in Cuba, for the reason that claimant had 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. Claimant objected the Proposed Decision, but submitted no additional evidence in support of her objections.

Full consideration having been given to the objections of the claimant, and the entire record, including claimant's objections,

having been reviewed, and general notice of the Proposed Decision having been given by posting for 30 days, it is

ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim.

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

20 DEC 1967

*Edward D. Re*

Edward D. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

LaVern R. Dilweg, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$65,000.00, was presented by ANA MARIA REILLY based upon the asserted loss of certain improved real property located in Havana, Bejucal, Camajuani and Cabaiguan, Cuba. Claimant has been a national of the United States since her naturalization on May 17, 1957, in Miami, Florida.

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 of 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).)

Claimant asserts that her father, who was not a national of the United States, was the owner of certain improved real property consisting of a dwelling house, warehouses and offices of Sobrinos de A. Gonzalez, S. en C., a Cuban enterprises; that the said property was taken by the Government of Cuba in April 1960; and that she inherited a one-third interest in a claim for these losses upon the death of her father, intestate, on February 10, 1963. However, claimant has submitted no evidence to establish that the subject property was owned by a national or nationals of the United States on the date of loss, although by Commission letter of July 10, 1967, claimant was advised of the type of evidence proper for submission to establish her claim under the Act.

On August 15, 1967, claimant was invited to submit any evidence she might have within 45 days from that date, and she was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. Claimant responded, by letter dated August 27, 1967, advising the Commission that her father was never a citizen of the United States, and that she had no further evidence to submit.

The Commission finds that claimant has not met the burden of proof in that she has 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. Accordingly,

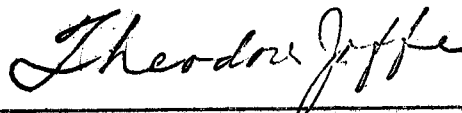
this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

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

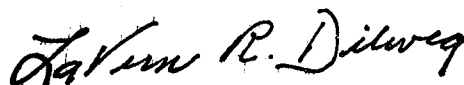
**OCT 4 1967**



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).)