

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

IN THE MATTER OF THE CLAIM OF

A. COLEMAN BLUM

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-3659

Decision No. CU 4204

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 \$1,600.00, was presented by A. COLEMAN BLUM based upon the asserted loss of personal property, consisting of manuals, stored at Impresora Modelo, a printing plant, in Habana, Cuba. Claimant has been a national of the United States since his birth in the State of New York on August 16, 1907.

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.

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).)

The evidence of record consists of a letter of Manuel Alonso, owner of Cuba Cientifica, the distributors of claimant's manual and claimant's affidavit attesting to his sole ownership of the manual.

The evidence of record indicates that claimant A. COLEMAN BLUM was the owner of a manual entitled El Verbo Irregular En Ingles (The Irregular Verb in English) that was printed by Impresora Modelo, of Belascoain and Llinas, in Habana, Cuba and distributed by Cuba Cientifica, Habana, Cuba. The Commission finds that Impresora Modelo was intervened by Cuban Resolution 1772, published in the Official Gazette on March 26, 1962.

Claimant asserts that 16,000 copies of his manual were stored at Impresora Modelo at the time of its intervention by the Government of Cuba. Other than claimant's affidavit there is no evidence of record to establish this contention. By Commission letter of April 29, 1969, claimant was advised of this matter and it was suggested to him that he seek additional evidence from the owner of Impresora Modelo, who was residing in Miami, Florida. By Commission letter of September 10, 1969, claimant was further advised that the requested evidence had not been submitted and that if it was not received within 45 days of receipt of said letter it might become necessary to determine the claim on the basis of the present record. The suggested evidence has not been submitted and claimant has failed to reply in any respect to the Commission's last correspondence.

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The Commission finds that claimant has not met the burden of proof. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

NOV 14 1969

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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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