

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

IN THE MATTER OF THE CLAIM OF

GLADYS HAYDEE RODRIGUEZ

Claim No. CU -4024
Claim No. CU-8420

Decision No. CU

4156

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, are based upon the asserted ownership and loss of personalty in Cuba. Claim No. CU-4024 was opened by the Commission on behalf of claimant and Claim No. CU-8420 was presented by claimant. Claimant is said to have been a national of the United States since her birth in the United States.

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 claims are based on items in a depository in Cuba, said to consist of various items of jewelry.

However, the property was placed in the custody of a private depository as distinguished from a deposit made in a bank existing under and subject to the laws of the Government of Cuba.

There is no evidence of record that this property has been taken by the Government of Cuba nor has any Cuban law been cited as affecting this property. It is clear, therefore, that the record in this case does not establish that the property upon which these claims are based has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Accordingly, for the reasons stated above, these claims are denied.

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

OCT 28 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).)

CU-4024

CU-8420