

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

IN THE MATTER OF THE CLAIM OF

YVONNE RUIZ DE EGEA

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -4220

Decision No. CU **5886**

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was opened by the Commission on behalf of claimant based upon certain losses which may have been sustained as a result of actions by the Government of Cuba since January 1, 1959. Claimant's mother states that although claimant has entered the United States, her United States nationality has not yet been established.

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, expropriate, intervened, or taken by the Government of Cuba.

Claimant's losses are described by her mother as consisting of jewelry, furniture, and other personalty in the approximate amount of \$3,000.00.

By Commission letter of February 21, 1968 claimant was advised as to the type of evidence, including evidence of her United States nationality, proper for submission to establish this claim under the Act. On April 6, 1968 claimant's mother wrote that it was impossible to secure evidence to support her daughter's claim.

By Commission letter of May 21, 1968 it was again suggested that claimant furnish evidence of her United States nationality and an itemized list of the personalty, subject of her claim. No reply to this letter was received.

On May 28, 1970 she was reminded that she had not replied to this letter and was asked to complete and return Claim Form FCSC Form 666. On September 1, 1970 she was informed that absent the suggested evidence


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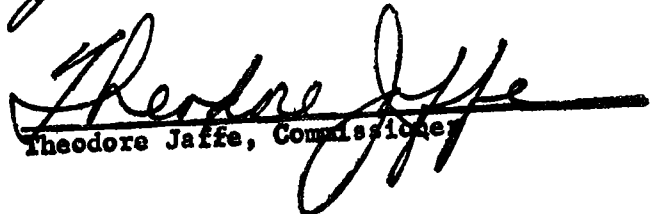
within twenty days it might be necessary to determine the claim on the basis of the existing record. On September 8, 1970 claimant's mother wrote that the Immigration Department in Los Angeles has not yet accepted her claimed status as a United States national. None of the other suggested evidence has been submitted.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish her United States nationality or ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba from a United States national. 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

**OCT 7 1970**

  
Lyle S. Garlock, Chairman

  
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).)