

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

IN THE MATTER OF THE CLAIM OF

BARBARA C. BROOKS, Acting for  
CANDACE A. BROOKS,  
PETER C. BROOKS,  
A. OAKLEY BROOKS, JR. and  
PAMELA R. BROOKS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-8167  
Claim No. CU-8168

Claim No. CU-8169  
Claim No. CU-8170

Decision No. CU

5384

Counsel for claimants:

Milbank, Tweed, Hadley & McGloy  
By Adlai S. Hardin, Jr., Esq.

PROPOSED DECISION

These claims against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, were presented by BARBARA C. BROOKS, acting for or as Custodian of certain stock of the Compania Cubana Primadera, S. A., owned by CANDACE A. BROOKS, PETER C. BROOKS, A. OAKLEY BROOKS, JR. and PAMELA R. BROOKS. Claimant has submitted no evidence concerning the United States nationality of the owners of the stock, subject of these claims.

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).)

By Commission letters of September 14, 1967, claimant was advised through counsel to submit certain supporting evidence, including data concerning the United States nationality of the owners of the stock in question. Thereafter, by letter of March 5, 1969, the Commission reminded claimant through counsel of the elements of the claims to be established.


By letters of April 15, 16 and 17, 1970, the Commission invited claimant to submit the suggested evidence, and she was informed that, absent such evidence, it might become necessary to determine the claims on the basis of the existing record. However, no evidence has since been submitted.


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The Commission finds that claimant has not met the burden of proof in that she has failed to establish the United States nationality of the owners of the stock as required under the Act. 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 the claims.

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

**JUL 29 1970**

  
L. S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Friedberg, 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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