

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

IN THE MATTER OF THE CLAIM OF

THE YORK BANK AND TRUST COMPANY,
EXECUTOR OF THE ESTATE OF
SARAH K. ROHRBAUGH, DECEASED

Claim No. CU-8443

Decision No. CU 4225

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

Claimant, THE YORK BANK AND TRUST COMPANY, EXECUTOR OF THE ESTATE OF SARAH K. ROHRBAUGH, DECEASED, who owned 4% bonds in the face amount of \$300.00 issued by the Cuba Railroad Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Joseph Gans (Claim No. CU-1720 which we incorporate herein by reference), and others, we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein.

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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States, The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the

subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national of the United States to the date of filing with the Commission.

The Commission is informed that SARAH K. ROHRBAUGH died on March 11, 1969, subsequent to the opening of any claim filed on behalf of holders of various bonds issued by the Cuba Railroad Company. However, the Commission is informed that the Executor, or Trust Officer, has no legal evidence of her United States nationality.

Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that it was not owned by a national of the United States on the date of filing with the Commission and, therefore, it is hereby denied.

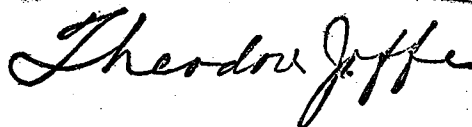
(See Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann.

Rep. 45 [July-Dec. 1966].)

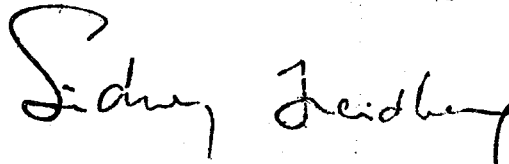
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

NOV 26 1969



Theodore Jaffe, Commissioner



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-8443