

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20572

IN THE MATTER OF THE CLAIM OF

GARY M. LIGHTMAN

Claim No. CU - 8810

Decision No. CU - 6845

Under the International Claims Settlement
Act of 1949, as amended

FINAL 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 \$10,000.00, was presented by GARY M. LIGHTMAN based upon Improvement and Equipment bonds issued by The Cuban Railroad Company. Claimant has been a national of the United States since birth.

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)(1970).)

Claimant has submitted photocopies of ten of the above described bonds, and states that the bonds were given to him in 1970 by his father, Paul Lightman, also a national of the United States since birth. The bonds do not carry the name of the owner and date of acquisition.

In our decision entitled the Claim of Edgar F. Corliss (Claim No. CU-0785 which we incorporate herein by reference), we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and determined the value per \$1,000. bond as \$684.68 including interest to October 13, 1960.

Section 507 of the Act provides, as to assignment of claims, that

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

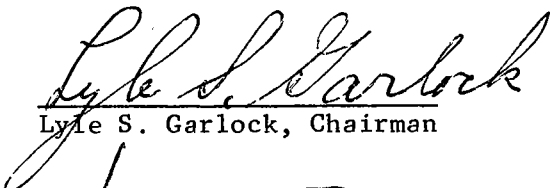
In view of the above and inasmuch as the bonds do not reflect the date of purchase by Paul Lightman, inquiry in this regard was made of claimant under dates of February 23, 1972 and March 22, 1972. Claimant replied that he discussed the matter with his father who has no record of the date of purchase or price paid.

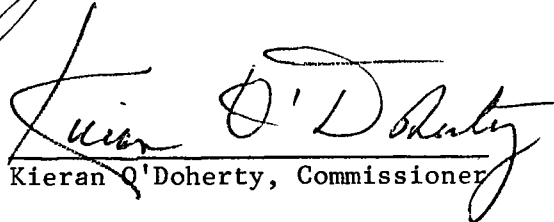
Claimant submitted a 1965 letter of First National City Bank; and a letter of Morgan Guaranty Trust Company, apparently of July 1960. Both these letters refer to mortgage bonds of The Cuba Railroad Company, distinguished from the bonds subject of this claim. Another letter of the Chemical Bank New York Trust Company concerns the subject bonds, is headed "Report as of May 1, 1964", and is addressed to holders of said bonds. It does not, however, establish when Paul Lightman acquired the bonds. This was brought to the notice of claimant by Commission letter of April 24, 1972. No further evidence has been received.

The Commission finds that claimant has not met the burden of proof, in that he has failed to establish the date of purchase of the bonds by Paul Lightman, and the purchase price if later than October 13, 1960 (See Claim of Samuel J. Wikler, et al., Claim No. CU-2571, 1968 FCSC Ann. Rep. 47; and Claim of Joseph Simone, Claim No. CU-1021.) Accordingly, this claim is hereby denied.

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

JUN 30 1972


Lyle S. Garlock, Chairman


Kieran O'Doherty, Commissioner