

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

IN THE MATTER OF THE CLAIM OF

JOHN H. WILKENS  
BERNICE WILKENS

Claim No. CU-0061

Decision No. CU 230

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$1,050.00, was presented by JOHN H. WILKENS and BERNICE WILKENS and is based upon the asserted loss of stock interests in the Vertientes-Camaguey Sugar Company of Cuba. Claimants state that they have been nationals of the United States since their birth in the State of Illinois in 1912 and 1913, respectively.

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 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 in all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimants assert the ownership of certain stock interests in the Vertientes-Camaguey Sugar Company of Cuba; however, claimants have submitted no documentary evidence in support of their claim. By Commission letter of June 21, 1966, claimants were advised as to the type of evidence proper for submission to establish their claim under the Act. Thereafter, in Commission letters of September 29, 1966, and November 2, 1966, claimants were again reminded that no evidence had been submitted and additional suggestions were made toward the submission of such supporting evidence.

On May 29, 1967, claimants were invited to submit any evidence they might have within 45 days from that date, and they were informed, that, absent such evidence it might become necessary to determine the claim on the basis of the present record. Claimants have not responded to the correspondence of the Commission and no evidence has been submitted in support of this claim.

The Commission finds that claimants have not met the burden of proof, in that they have failed to establish ownership of rights and interests in property which was nationalized, ~~expropriated~~ or otherwise taken by the Government

of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

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

**SEP 6 1967**

*Edward D. Re*

Edward D. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

LaVern R. Dilweg, 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-0061

**CERTIFICATION**

This is a true and correct copy of the decision of the Commission which was entered as the final decision on 6-8-67 1967

*Francis M. ...*  
Member of the Commission