

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

IN THE MATTER OF THE CLAIM OF

ARMANDO SOSA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0187

Decision No. CU-881 831

Counsel for claimant:

Charles Gonzalez, Esq.

Appeal and objections from a Proposed Decision entered December 14, 1967.
Oral hearing requested and cancelled.

Hearing on the record held May 22, 1968.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on December 14, 1967, denying the claim for the reason that on date of loss stated by claimant, November 12, 1963, the property on which the claim is based was not owned by a United States national. Claimant became a United States national on January 6, 1964.

In his statement of objections, claimant stated that he did not know the specific date of loss involved herein, and that the Commission should determine the date of loss to be a date favorable to claimant's cause.

Full consideration having been given to the objections of the claimant and the entire record having been reviewed, the Commission finds that no new evidence has been introduced, and it is

ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision on this claim.

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

JUN 13 1958

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

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PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by ARMANDO SOSA in the amount of \$45,710.00, and is based upon the asserted loss of real and personal property in Cuba. Claimant has been a national of the United States since his naturalization on January 6, 1964.

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.

Section 502(1) of the Act defines the term "national of the United States" as "(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 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.

The property forming the basis of the instant claim consists of land, livestock, bank deposits and other personalty. Claimant states that the property claimed was acquired on June 11, 1957, prior to November 12, 1963, the asserted date of loss. Item No. 13 of the claim form, as submitted by claimant, reads as follows: "The claim arose on 11-12-63 at Bayamo Oriente Cuba as a result of the following action: Intervention by Agrarian Reform of Cuban Government."

By Commission letter of November 28, 1967, it was suggested that evidence be submitted to establish the asserted date of loss. In response, a letter dated December 5, 1967 was submitted, which recited in part that "On November 12, 1963, some members of the Cuban Government went to the home of the claimant's father and stated that they were going to intervene the land." This letter also stated that claimant had never received any official notice pertaining to the taking of his property.

According to claimant's statement above, the property claimed was taken on November 12, 1963. Therefore, it is clear that this claim was not owned by a national of the United States on the asserted day of loss.

Accordingly, the Commission concludes that the property upon which this claim is based was not owned by a United States national on the date of loss or continuously from the date of loss to the date of filing. The claim is therefore denied.

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

14 DEC 1967

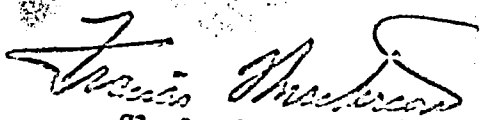

Edward D. Re, Chairman


Theodore Jaffe, Commissioner


LaVern R. Dilweg, Commissioner

CERTIFICATION

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on _____


Martin Anderson
Clerk of the Commission

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).)