

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

IN THE MATTER OF THE CLAIM OF

ORVIN B. FALKOFF

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0267

Decision No. CU -233

Appeal and objections from a Proposed Decision dated and issued September 6, 1967; No oral hearing requested; hearing on the record.

Hearing on the record held on October 4, 1967

FINAL DECISION

The Commission issued its Proposed Decision in this claim on September 6, 1967, denying the claim for failure of proof.

Claimant objected to the Proposed Decision, but has not submitted further evidence in support of his claim.

Full consideration having been given to the objections of claimant, and the entire record, including claimant's objections, having been reviewed, and general notice of the Proposed Decision having been given by posting for 30 days, it is

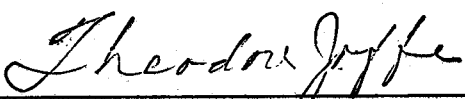
ORDERED that the Proposed Decision be, and the same is affirmed
as the Final Decision of the Commission in this claim.

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

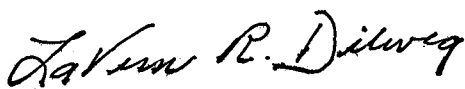
OCT 18 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

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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 \$168.90, was presented by ORVIN B. FALKOFF and is based upon the asserted loss of stock interests in the Cuban-Venezuelan Oil Voting Trust. Claimant states that he has been a national of the United States since his birth in the State of Illinois in 1914.

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).)

Claimant asserts ownership of certain stock interests in the Cuban-Venezuelan Oil Voting Trust; however, claimant submitted no documentary evidence to establish ownership of such interests and submitted no evidence to establish that he is a national of the United States. By Commission letter dated July 11, 1966, claimant was advised as to the type of evidence proper for submission to establish his claim under the Act. Claimant submitted a revised application form by letter dated August 6, 1966, and advised the Commission that he preferred to defer the submission of supporting evidence until such time as he deemed advisable. Thereafter, in Commission letters of October 13, 1966, and November 10, 1966, claimant was again reminded that no evidence had been submitted and additional suggestions were made toward the submission of such supporting evidence.

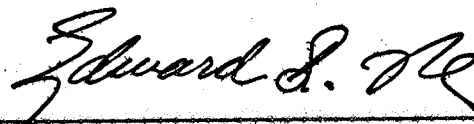
On June 12, 1967, claimant was invited to submit any evidence he might have within 45 days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the present record. Claimant has not responded to the correspondence of the Commission and no evidence has been submitted in support of this claim.

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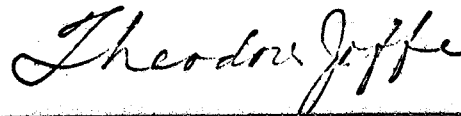
The Commission finds that claimant has not met the burden of proof, in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to consider other elements of this claim.

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

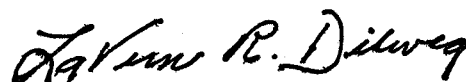
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Edward D. Re, Chairman



Theodore Jaffe, Commissioner



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).)

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