

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

IN THE MATTER OF THE CLAIM OF

ROGER A. GRIBOT
SYLVIA GRIBOT

Claim No. CU -0312

Decision No. CU-826

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered December 14,
1967. No oral hearing requested; Hearing on the record.

Hearing on the record held on January 18, 1968.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on December 14, 1967 denying this claim, for real property in Cuba, for the reason that claimants had failed to establish ownership, by a national or nationals of the United States, of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Claimants objected to the Proposed Decision, but submitted no additional evidence in support of their objections.

Full consideration having been given to the objections of the claimants, and the entire record, including claimants' objections, having been reviewed, it is

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

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

JAN 24 1968

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

REPLICATION

This is a true and correct copy of the decision of the Commission which was entered on the 24th day of January 1968.

CU-0312

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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 \$6,500.00, was presented by ROGER A. GRIBOT and SYLVIA GRIBOT and is based upon the asserted loss of 25 lots of realty. Claimant, ROGER A. GRIBOT, has been a citizen of the United States since his naturalization in the United States. Claimant, SYLVIA GRIBOT, has been a national of the United States since her birth in the United States.

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

Claimants have asserted loss of ownership interests in 24 lots located in a development area known as "Riviera" on the Isle of Pines and one in a section known as "Santa Cruz," in Havana, Cuba. Other than copies of certain birth and marriage certificates, claimants have submitted no evidence in support of this claim. Further, claimants have stated, in effect, that they are unable to describe the subject properties any more specifically than has been done above.

By Commission letter of July 11, 1966, claimants were advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letters of July 29, 1966 and July 10, 1967, the Commission made additional suggestions to claimants concerning the submission of supporting evidence in this matter. On June 21, 1967, claimants were invited to submit any evidence available to them 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 existing record. Other than that mentioned above,

no evidence has been submitted. On September 13, 1967, claimants were advised that absent receipt of previously suggested evidence within 20 days, it might become necessary to determine this claim on the basis of the existing record. No response to this correspondence has been received to date.

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, appropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

14 DEC 1967

Edward D. Re
Edward D. Re, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

LaVern R. Dilweg
LaVern R. Dilweg, Commissioner

UNCLASSIFIED
THIS IS A TRUE AND CORRECT COPY OF THE DECISION
OF THE COMMISSION WHICH WAS ENTERED AS THE FINAL
DECISION ON

Wanda M. ...
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).)