

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

IN THE MATTER OF THE CLAIM OF

MARY B. HART

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0449

Decision No. CU **933**

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in an unspecified amount, was presented by MARY B. HART and is based upon the asserted loss of a shareholder interest in the Vertientes-Camaguey Sugar Company of Cuba. Claimant has been a national of the United States since her birth in Boston, Massachusetts.

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).)

This claim is based upon the asserted ownership of 250 shares of stock in the Vertientes-Camaguey Sugar Company of Cuba. By Commission letter of July 13, 1966, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Subsequently, by letter of October 21, 1966, claimant was reminded of the need to submit supporting evidence. Thereafter, by letter of November 18, 1966, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter. However, no evidence in response to this correspondence has been received to date. On July 10, 1967, claimant was invited to submit the suggested evidence within 45 days from that date, and she was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted. In response to a further inquiry, claimant informed the Commission by communication received on

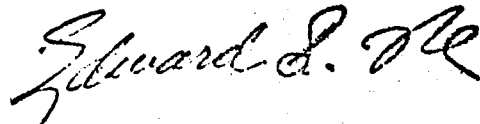
January 4, 1968, that she had authorized the Vertientes-Camaguey Sugar Company to represent her interests under FCSC Claim No. CU-0624, and that only the latter claim would thereafter be pursued.

The Commission finds that claimant has not met the burden of proof with regard to this claim in that she has failed to establish ownership of rights and interests in property which was nationalized, expropriated, 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.

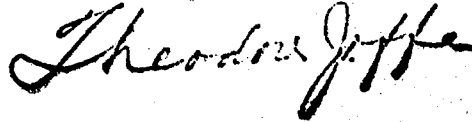
It has been noted that claimant is among the persons included in Claim No. CU-0624 filed by Vertientes-Camaguey Sugar Company of Cuba as agent for consenting stockholders. The denial of this claim is without prejudice to the participation of MARY B. HART in Claim No. CU-0624.

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

JAN 10 1968



Edward D. Re, Chairman




Theodore Jaffe, 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).)

CERTIFICATION

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

CU-0449


Clerk of the Commission