

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

IN THE MATTER OF THE CLAIM OF

GEORGE KRUPIAK

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0648

Decision No. CU- 1500

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$500.00 was presented by GEORGE KRUPIAK, and is based upon the asserted loss of a stock interest in the Latin American Exploration Company of Cuba. Claimant has been a national of the United States since birth.

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 the ownership of 200 shares of stock issued by Latin American Exploration Company of Cuba, and submitted the two original stock certificates forming the basis of this claim, to wit: Nos. 2351 and 2685 each for 100 shares of common stock of Latin American Exploration Company and each in the name of GEORGE KRUPIAK. The dates of issuance of these securities were: No. 2351 - November 29, 1957 and No. 2685 - January 31, 1958. By Commission letters of July 28, 1966 and September 29, 1967 and January 10, 1968, claimant was advised as to the type of additional evidence proper for submission to establish his claim under the Act. Claimant subsequently replied requesting the aforementioned securities be returned to him. By letter of February 6, 1968 the claimant was advised that a favorable recommendation could not be made to the Commission in the absence of these certificates. The certificates were returned to him on the same date at his request.

The Regulations of the Commission provide, in part:

"If available, all exhibits and documents shall be filed with and at the same time as the claim, and shall,

wherever possible, be in the form of original documents . . ." (FCSC Reg., 45 C.F.R. §531.3(a) (Supp. 1967).)

Since the original securities forming the basis of this claim have been returned to the claimant and additional evidence in support of this claim, as suggested by the Commission's letters of July 28, 1966, September 29, 1967 and January 13, 1968, has not been received, 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 determine other elements of this claim.

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

APR 10 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on MAY 21 1968

Francis Hester

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).)

CU- 0648