

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

IN THE MATTER OF THE CLAIM OF

CAROLIN M. SCOTT

Claim No. CU-0760

Decision No. CU-156

Under the International Claims Settlement  
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered July 26, 1967.  
No oral hearing requested.

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Hearing on the record held on October 18, 1967.

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FINAL DECISION

This claim, for \$6,365.00, based upon the asserted ownership and loss of an interest in bonds of the Republic of Cuba, was denied by Proposed Decision dated July 26, 1967, for the reason that claimant had not met the burden of proof in that she had failed to establish ownership of rights and interests in property which was nationalized, expropriated, intervened, or otherwise taken by the Government of Cuba.

Claimant objected to the Proposed Decision and submitted a photo reproduction of portions of five bonds indicating the amount of the bonds, their serial number, interest rate, and the issuing authority. Claimant did not submit the original bonds, evidence of any consideration paid, or the date of purchase.

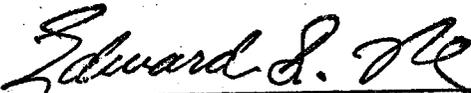
Upon consideration of the entire record, including claimant's objections and the material submitted thereafter, the Commission finds that claimant has not established by evidence of sufficient probative value that she is the owner of bonds of the Republic of Cuba which have been owned by a United States national from the asserted day of loss to the day on which this claim was filed.

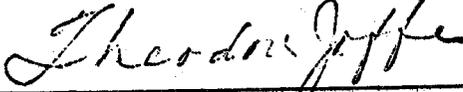
Accordingly, it is

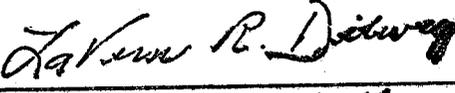
ORDERED that the Proposed Decision denying this claim be and it hereby is affirmed and entered as the Final Decision of the Commission on this claim.

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

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Edward D. Re, Chairman

  
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Theodore Jaffe, Commissioner

  
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LaVern R. Dilweg, Commissioner

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OF THE UNITED STATES  
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IN THE MATTER OF THE CLAIM OF

CAROLIN M. SCOTT

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-0760

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156

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for \$6,365.00, was presented by CAROLIN M. SCOTT, based upon the asserted ownership and loss of bonds. Claimant is a native-born citizen of 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 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 claim herein is based upon five bonds described as \$1000 bonds of the Republic of Cuba. The amount of the claim includes the asserted loss of interest for six years in the amount of \$1,365.00.

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. § 580.8 (Supp. 1965).)

Other than a photocopy of a Baptismal Certificate for Caroline Murdock, marked over to reflect the full name "Mrs. Caroline Murdock Scott", claimant has submitted no documentation in support of her claim, although in a letter dated August 3, 1966, suggestions were made to her regarding the type of evidence to be submitted in order to establish her claim under the Act. Further requests were made to claimant for documentation to establish the claim on October 25, 1966 and November 28, 1966. However, no evidence has been received.

The Commission therefore finds that claimant has not met the burden of proof in that she has failed to establish ownership of

rights and interests in property which was nationalized, expropriated, intervened, or otherwise taken by the Government of Cuba. Accordingly, this claim is denied.

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

**JUL 26 1967**

*Edward D. Re*

Edward D. Re, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

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).)