

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

IN THE MATTER OF THE CLAIM OF

RUDOLPH BOZA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0867

Decision No. CU

132

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by RUDOLPH BOZA based upon the asserted ownership of real and personal property in Gotorro, Havana, Cuba. Claimant has been a national of the United States since his birth in the United States.

Claimant does not seek compensation for any loss he may have suffered with respect to property in Cuba, but states that he wishes to have his property returned to him whenever possible.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section 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

(a) . . . 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.

In presenting his claim on FCSC Form 666, claimant stated that his claim, based on a dwelling house, an apartment building and furniture, arose by confiscation by military force in February, 1960. He accompanied his submission with copies of correspondence exchanged with the State Department in the past, and a copy of an untranslated Notarial Document. In his letter of submission, dated November 4, 1966, he stated that this "registration" was made with the view of having his property returned at a future time, but also referred to his submission as a "claim." Accordingly, although a claimant has the burden of proof in establishing his claim, by Commission letter of November 9, 1966, suggestions were made to claimant as to evidence appropriate to submit in support of the claim.

However, by his letter of November 23, 1966, claimant informed the Commission that he cannot release the original document to his property as it may be needed in the future, and further stated:

I am not claiming any damages from the United States nor do I intend taking any credit on my Income Tax Returns. I merely wanted to make sure that my property would be returned to me whenever possible.

From the foregoing, it is clear that the claimant has not established, and apparently does not choose to establish, that he has any claim against the Government of Cuba. For this reason, the claim must be denied.

(See the Claim of Steel Heddle Manufacturing Company, FCSC
Claim No. CU-0737.)

Moreover, under the provisions of the enabling act (supra) the Commission has no jurisdiction or authority to consider and determine claims for restoration of property taken by the Government of Cuba. Since it is beyond the power and jurisdiction of the Commission to grant the relief requested, this claim must be denied. (and see In the Matter of the Claim of Ksawery Paprochi, FCSC Claim No. PO-5733, 20 FCSC Semiann. Rep. 17 [Jan. - June 1964].)

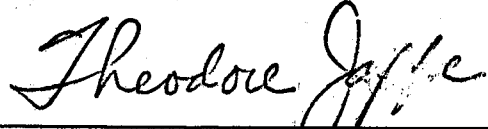
The Commission deems it unnecessary to make specific finding with respect to other elements of this claim.

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

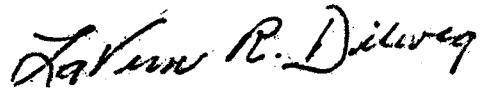
23 AUG 1967



Edward D. Re, Chairman



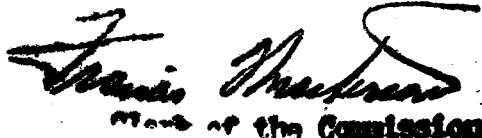
Theodore Jaffe, Commissioner



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 upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

**This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on 25 SEP 1967**



Francis M. ...
of the Commission

CU-0867