

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

IN THE MATTER OF THE CLAIM OF

ALEX BULION

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1688

Decision No. CU

1932

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 \$1,800.00, was presented by ALEX BULION and is based upon the asserted loss of stock interest in Havana Lithographing Company. Claimant has been a national of the United States since his naturalization on February 15, 1926.

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 certain stock interests in Havana Lithographing Company. By Commission letter of June 21, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter by letter of July 19, 1967 claimant submitted photocopies of certificates nos. 25799 through 25801 totalling 300 shares, issued to claimant on February 24, 1961. On September 7, 1967 the Commission wrote to the claimant suggesting that he submit the original shares of stock and evidence of the date of purchase. He was further advised that it would be necessary to establish the nationality of the previous owners if he did not purchase the shares prior to the date of loss. However, no evidence was received in response to this correspondence.

On October 24, 1967 claimant was invited to submit any evidence available to him within 45 days from that date, and he was informed that absent such evidence, it might become necessary to determine the

claim on the basis of the existing record. By letter of November 29, 1967 claimant submitted four certificates nos. CLH 1424, 1425, CLHC 6862 and 6863, representing 300 shares of Havana Lithographing stock issued to Mrs. Grace Bulion. The Commission wrote again to the claimant on March 21, 1968 suggesting that he comply with the Commission letter of September 7, 1967. It was further suggested that Mrs. Bulion petition to join in this matter and submit evidence of her United States nationality. The Commission concluded by advising the claimant that a determination would be made based upon the record as then constituted if the suggested evidence was not submitted. Nothing further has been heard from the claimant.

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. 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

MAY 29 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

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).)

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