

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

IN THE MATTER OF THE CLAIM OF

MARIA LUISA CALVO

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1961

Decision No. CU -1835

Appeal and objections from a Proposed Decision entered on May 8, 1968;  
Oral hearing requested.

Oral hearing held on July 2, 1968.

FINAL DECISION

Under date of May 8, 1968, the Commission issued its Proposed Decision denying this claim in its entirety for lack of proof.

Claimant objected to the Proposed Decision and requested an oral hearing which was held on July 2, 1968. At that hearing claimant's daughter testified on behalf of claimant. The Commission granted claimant an extension of time to obtain and submit documentary evidence in support of her claim. Subsequently, claimant submitted original deeds; declarations before Cuban officials; letters from claimant's former Cuban agent; a bank book and a bank statement; and proof of her United States nationality.

The Commission now finds that claimant, a national of the United States since November 11, 1954, owned improved real property at 3 locations in Havana, Cuba; namely, at San Miguel #212 A Segunda St.; at Alambique #2; and at #14 between D and E Streets. The Commission further finds that said real properties were taken by the Government of Cuba on October 14, 1960 pursuant to the Urban Reform Law. Considering the location and age of the properties and the rental income thereof as reported by claimant's Cuban agent, the Commission finds that the three items of improved real property had values of \$13,500.00, \$14,400.00 and \$15,480.00, respectively, on the date of loss.

The Commission also finds that claimant owned a bank account maintained at the Trust Company of Cuba. The Commission further finds that claimant's bank account was taken by the Government of Cuba on December 6, 1961 pursuant to Law 989. Based upon the bank book and bank statement, the Commission finds that the value of claimant's bank account on the date of loss was \$22,524.11.

Claimant's losses are summarized as follows:

<u>Item of Property</u>	<u>Date of Loss</u>	<u>Amount</u>
Improved real property	October 14, 1960	\$43,380.00
Bank account	December 6, 1961	<u>22,524.11</u>
	Total	<u>\$65,904.11</u>

The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered as follows:

<u>FROM</u>	<u>ON</u>
October 14, 1960	\$43,380.00
December 6, 1961	<u>22,524.11</u>
Total	<u>\$65,904.11</u>


Accordingly, the following Certification of Loss will be entered, and in all other respects the Proposed Decision as amended herein is affirmed.

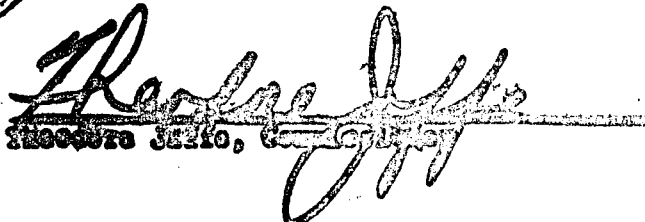
CERTIFICATION OF LOSS

The Commission certifies that MARIA LUISA CALVO suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixty-Five Thousand Nine Hundred Four Dollars and Eleven Cents (\$65,904.11) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

**AUG 25 1971**

  
Lyle S. Gerlock, Chairman

  
Roberto Jasso, Secretary

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

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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 \$147,524.11, was presented by Lourdes Hovtis on behalf of MARIA LUISA CALVO, and is based upon the asserted ownership and loss of real estate, personal property, and an interest in The Trust Company of Cuba. Claimant is said to have acquired United States nationality by naturalization.

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 on the asserted ownership and loss of real estate and personal property in Cuba and an interest in securities of The Trust Company of Cuba. The claim was presented by Lourdes Hovtis, the daughter of claimant, on behalf of the claimant. Lourdes Hovtis asserted that she had a power of attorney authorizing her to act on the claimant's behalf. No documentary evidence has been submitted to support claimant's asserted ownership and loss of the subject property, or of its value. Claimant is said to have acquired United States nationality by naturalization; however, no information concerning the date or place of her asserted naturalization has been submitted.

By Commission letter of February 12, 1968, claimant was advised, through Lourdes Hovtis, as to the type of evidence proper for submission to establish this claim under the Act. No evidence in response to these suggestions has been received to date.

On March 21, 1968 claimant was invited to submit any evidence available to her within 30 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.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership, by a national or nationals of the United States, of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is 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

8 MAY 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).)

CU-1961