

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

IN THE MATTER OF THE CLAIM OF

LORENZO JUAN VINAGERAS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU- 2553

Decision No. CU - 5987

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 LORENZO JUAN VINAGERAS in the amount of \$30,000.00, based upon the asserted ownership and loss of real property in 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) (1969).)

Claimant, LORENZO JUAN VINAGERAS, has asserted that in 1932 he inherited a parcel of land in Matanzas, Cuba, forming the rural estate known as Soledad, of which a cattle ranch, known as "Aguas Nuevas" formed a part; that such land was valued at \$30,000.00 but a mortgage was given in favor of Compania Azucarera San Vicente in 1937.

In support of his claim, the claimant submitted his birth certificate, the death certificate of his father, Armando Vinageras (1917) and a copy of an Order of the Probate Court of Duval County, Florida, issued in 1932, indicating that claimant was the sole heir of his parents, Emelina Fonseca Vinageras and Armando Vinageras, both deceased.

In letters of July 31, 1967, and September 15, 1967, the Commission advised claimant as to the type of evidence proper for submission to establish his claim under Title V of the Act, including evidence pertaining to the ownership, loss and value of the property, subject of his claim. Claimant submitted his affidavit, executed on October 11, 1967, and an additional claim application but has not submitted evidence of probative value which would establish the claim under the pertinent provisions of the Act.

Thereafter, the Commission made additional suggestions in letters of October 11, 1968, and November 21, 1969, with respect to the submission of evidence relating to ownership, loss and value of the property in question. While the claimant responded in part to the Commission correspondence, additional evidence of probative value was not submitted. By letters of February 3, 1970, and February 18, 1970, claimant was again invited to submit any evidence available to him within 45 days and he was informed, that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. However, no evidence has since been submitted by the claimant.

Further, the Commission has attempted to obtain evidence on behalf of the claimant, but none has been received nor is there any certainty that such evidence will be forthcoming.


The Commission appreciates the difficulties encountered by the claimants in establishing their claims against the Government of Cuba. However, the Commission must be guided by the evidence of record pertaining to the ownership, loss and value of the property included in each

claim. The Commission is constrained to find that claimant herein has not met the burden of proof in that he has failed to establish the ownership and value of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied for the reasons stated. The Commission deems it unnecessary to make determinations with respect to other elements of this claim.

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

DEC 2 1970

  
Lyle S. Garlock, Chairman

  
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).)