

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

IN THE MATTER OF THE CLAIM OF

CLARE E. BEGUIRISTAIN  
RAQUEL V. BEGUIRISTAIN  
GUSTAVO M. BEGUIRISTAIN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2695

Claim No. CU-2704

Claim No. CU-2707

Decision No. CU

934

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were presented by CLARE E. BEGUIRISTAIN, RAQUEL V. BEGUIRISTAIN and GUSTAVO M. BEGUIRISTAIN in a total amount of \$334,541.00. The claims of CLARE E. BEGUIRISTAIN and RAQUEL V. BEGUIRISTAIN are based upon losses of stock interests in Cuban corporations. The claim of GUSTAVO M. BEGUIRISTAIN is based upon similar stock losses, as well as losses of improved and unimproved realty and personal property. Claimants CLARE E. BEGUIRISTAIN and GUSTAVO M. BEGUIRISTAIN were born in the United States. While it is asserted that claimant RAQUEL V. BEGUIRISTAIN has been a national of the United States since her birth in the United States, no evidence has been submitted to establish her birth in 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 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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States."

The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

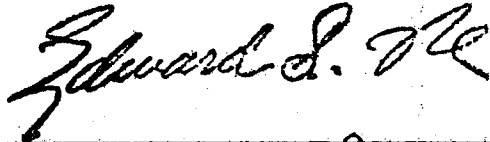
Records of the United States Government disclose that claimants CLARE E. BEGUIRISTAIN and GUSTAVO M. BEGUIRISTAIN lost their United States nationality effective July 27, 1957 and October 16, 1956, respectively, by operation of Section 350 of the Immigration and Nationality Act; said records further disclose that claimant RAQUEL V. BEGUIRISTAIN formally renounced

United States nationality on August 7, 1958. Therefore, it is apparent that the property upon which these claims are based was not owned by a national or nationals of the United States on the date of loss.

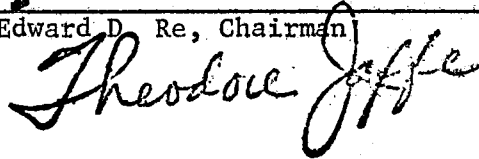
Accordingly, for the reasons stated above, the Commission concludes that these claims are not within the purview of Title V of the Act, supra, and they are denied. Other elements of these claims have not been considered.

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

JAN 17 1968



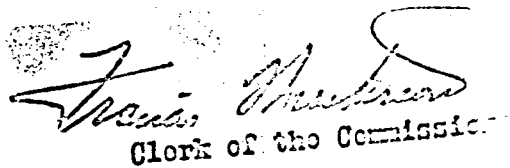
Edward D. Re, Chairman



Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on FEB 20 1968



Clerk of the Commission

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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