

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

IN THE MATTER OF THE CLAIM OF

PENN CANADIAN OIL CORPORATION

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2810

Decision No. CU -589

Counsel for claimant: Alexander Campbell, Esq.

Appeal and objections from a Proposed Decision entered November 1, 1967;
No oral hearing requested; Hearing on the record.

Hearing on the record held on February 12, 1968,

FINAL DECISION

The Commission issued its Proposed Decision in this claim on November 1, 1967, denying the claim for the reason that claimant failed to establish ownership of rights and interests in property which was nationalized or otherwise taken by the Government of Cuba. Thereafter, claimant objected to the Proposed Decision, through counsel, but submitted no further information or evidence relating to ownership, loss and value of the property, subject of the claim.

Full consideration having been given to the objections of the claimant, and the entire record, including claimant's objections,

having been reviewed, and general notice of the Proposed Decision having been given by posting for 30 days, it is

ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim.

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

FEB 21 1968

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

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 4 DEC 1967
Francis MacIntosh
Merk of the Commission

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IN THE MATTER OF THE CLAIM OF

PENN CANADIAN OIL CORPORATION

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2810

Decision No. CU- 589

Counsel for claimant:

Alexander Campbell, Esq.

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 \$4,000,000.00, was presented by PENN CANADIAN OIL CORPORATION and is based upon the asserted loss of oil, mining concessions and operating wells in Cuba.

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).)

The claimant herein, PENN CANADIAN OIL CORPORATION, filed this claim for the asserted loss of oil, mining concessions and operating wells located in Cuba. By Commission letter of June 15, 1967, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, on July 19, 1967, counsel 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. No evidence has since been submitted in response to Commission correspondence.

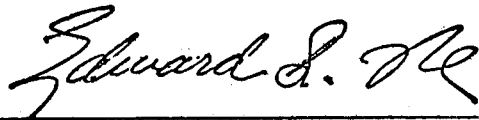
On August 17, 1967, counsel for claimant requested an extension of time to submit supporting data. By letter of August 29, 1967, the Commission granted an extension of time to October 20, 1967, to submit such evidence. However, no supporting information or evidence has been forwarded to the Commission.

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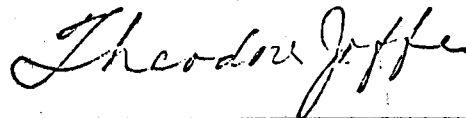
The Commission finds that claimant has not met the burden of proof in that it has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to ther elements of the claim.

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

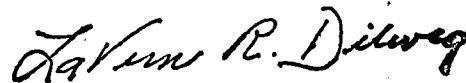
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Edward D. Re, Chairman



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, 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. 331.5(e) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

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