

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

IN THE MATTER OF THE CLAIM OF

MELVILLE RINGLER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2833

Decision No. CU
1916

Counsel for claimant:

Philip L. Winter, Esq.

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 MELVILLE RINGLER, and is based upon the asserted loss of \$295.88, sustained in connection with the ownership of a stock interest in Compania Litografica de la Habana, S.A. (Havana Lithographing Company), hereinafter referred to as Havana Lithographing. Claimant has been a national of the United States since his 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.

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 this claim in connection with the ownership of 300 shares of Havana Lithographing common stock. Claimant has submitted evidence of his United States nationality and three stock certificates issued to claimant Nos. CLHC 25934, 20001 and 27297. Each of the certificates represents 100 shares of Havana Lithographing common stock.

The Commission has determined that the Havana Lithographing Company was nationalized by the Government of Cuba on October 13, 1960, and that the interests of the stock holders in the enterprise were taken on that date. (See Claim of Central West Company, Claim No. CU-3440.)

Claimant states that he purchased the subject stock on April 10, 1961, April 17, 1961 and September 13, 1962. However, claimant has not submitted documentary evidence to establish that the subject stock was held by a national or nationals of the United States on the date of loss and continuously thereafter until acquired by claimant.

By Commission letter of July 6, 1967 claimant was advised, through counsel, of the type of evidence proper for submission to establish this claim under the Act. By letter of March 21, 1968 counsel for claimant was specifically informed that Commission regulations require that a claimant establish that the property upon which his claim is based was continuously owned by a national or nationals of the United States from the date of loss until the claim is filed. By the letter of March 21, 1968 counsel for claimant was invited to submit any evidence available to him within 30 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. Counsel has since corresponded with the Commission, advising that claimant has been unable to obtain the suggested evidence.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish that the subject stock was held by a national or nationals of the United States on the date of loss and continuously thereafter until the date of filing with the Commission.

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

MAY 22 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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