

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

IN THE MATTER OF THE CLAIM OF

WALTER T. JADOS
MARIE K. JADOS

Claim No. CU-2882

Decision No. CU - 493

Under the International Claims Settlement
Act of 1949, as amended

ORDER AND AMENDED PROPOSED DECISION

By Proposed Decision dated and issued on October 18, 1967, the Commission denied this claim for failure of proof. The Proposed Decision was entered as the Final Decision of the Commission on November 21, 1967. Subsequent to Final Decision, claimants submitted additional evidence and information in support of this claim.

Full consideration having been given to the entire record in this claim, including the evidence submitted subsequent to the Final Decision, it is

ORDERED, that the Final Decision of the Commission in this claim be, and the same is vacated and set aside; and it is further

ORDERED, that the Proposed Decision of the Commission be amended to read as follows:

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by WALTER T. JADOS and MARIE K. JADOS, and is based upon the asserted loss of \$128.00 sustained in connection with the ownership of a stock interest in Central Violeta Sugar Company, S.A. Claimants have been nationals of the United States at all times pertinent to this claim.

As is fully set forth in the original decision involving Central Violeta Sugar Company, S.A. (See Claim of Huntley E. Cox, Claim No. CU-2944, which is hereby incorporated herein and made a part hereof by reference), this type of claim for loss of a stock ownership is compensable under the conditions and facts set forth in Cox. There is no need to again detail herein the reasons for such a determination or the method arrived at in determining the value per share of capital stock which comes to \$30.4318 per share.

On the basis of evidence of record, in the instant case the Commission finds that these claimants are, and since prior to October 6, 1960, have been the owners of 25 shares of the capital stock of Central Violeta Sugar Company, S.A. and have suffered a loss in the amount of \$760.80 within the meaning of Title V of the Act, when the properties owned by said Company were nationalized or otherwise taken by the Government of Cuba on October 13, 1960.

The Commission also concludes that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Cox, supra).

CERTIFICATION OF LOSS

The Commission certifies that WALTER T. JADOS and MARIE K. JADOS sustained a total 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 Seven Hundred Sixty Dollars and Eighty Cents (\$760.80) with interest thereon at 6% per annum from October 13, 1960 to the date of settlement.

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

SEP 4 1968

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Feidberg
Sidney Feidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimants establish retention of the securities for the loss here certified.

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.

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).)

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

IN THE MATTER OF THE CLAIM OF

WALTER T. JADOS
MARIE K. JADOS

Claim No. CU -2882

Decision No. CU 493

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$128.00 was presented by MARIE K. JADOS AND WALTER T. JADOS, and is based upon the asserted loss of stock interests in the Central Violetta Sugar Company of Cuba. Claimant Walter T. Jados asserts that he has been a national of the United States since his birth in the State of Pennsylvania. Marie K. Jados has made no assertions concerning her nationality.

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) 7], 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 of 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 in all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimants assert the ownership of certain stock interests in the Central Violetta Sugar Company of Cuba; however, claimants have submitted no documentary evidence in support of this claim. By Commission letter of July 12, 1967, claimants were advised as to the type of evidence proper for submission to establish this claim under the Act.

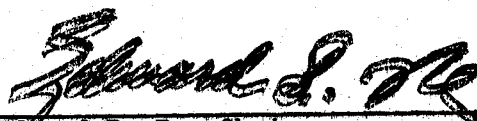
On August 22, 1967, claimants were invited to submit any evidence they might have within 45 days from that date, and they were informed, that, absent such evidence it might become necessary to determine the claim on the basis of the present record. Claimants have not responded to the correspondence of the Commission and no evidence has been submitted in support of this claim.

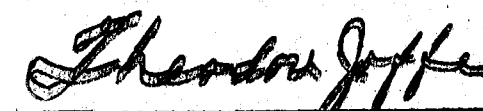
The Commission finds that claimants have not met the burden of proof, in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

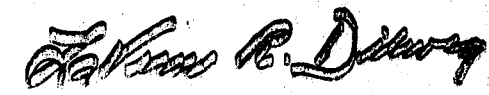
Accordingly, this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

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

OCT 18 1967


Edward D. Re, Chairman


Theodore Jaffe, Commissioner


LaVern R. Dilweg, Commissioner

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