

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

IN THE MATTER OF THE CLAIM OF

MABEL F. STANTON

Claim No. **CU** -2909

Decision No. **CU** -504

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision issued October 18, 1967.
No oral hearing requested; hearing on the record.

Hearing on the record held on December 20, 1967.

FINAL DECISION

Under date of October 18, 1967, the Commission issued its Proposed Decision denying this claim for failure of proof in that claimant failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba.

Claimant objected to the Proposed Decision and submitted an unsworn statement from a Frank R. Jurgens affirming that claimant "has purchased and to the best of my knowledge is still the owner" of the bonds upon which this claim is based. However, claimant has failed and refused to submit the original bonds, although the Commission requested such evidence in letters dated July 10, 1967, November 7, 1967 and November 28, 1967. Claimant stated, in her letter to the Commission dated November 14, 1967, that "I do not wish to send in the . . . Cespedes Sugar bonds which I own."

The Commission has reviewed and examined all of the evidence of record, and finds that the evidence of record is of insufficient probative value to warrant a different determination from that made in the Proposed Decision.

Full consideration having been given to the objections of claimant, and the entire record, including such objections, having been reviewed, it is

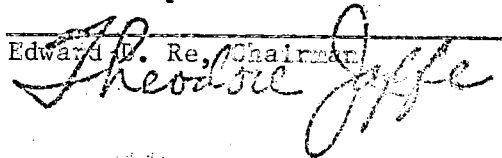
ORDERED that the Proposed Decision be, and the same is, affirmed as the Final Decision of the Commission in this claim.

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

3 JAN 1960



Edward W. Re, Chairman



Theodore Jaffe, Commissioner

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Claim No. CU -2909

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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 \$2,694.21, was presented by MABEL F. STANTON and is based upon the asserted ownership of Cespedes Sugar Company bonds. Claimant has been a national of the United States since her birth in the State of New Jersey.

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 states that she is the owner of bonds issued by the Cespedes Sugar Company; however, except for a photocopy of her Certificate of Baptism, claimant has submitted no documentary evidence to establish her claim.

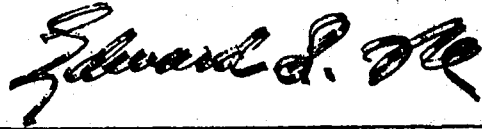
By Commission letter of July 10, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. However, no evidence in response to this correspondence has been received to date.

On August 22, 1967, claimant was invited to submit any evidence available to her within 45 days from that date, and she 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.

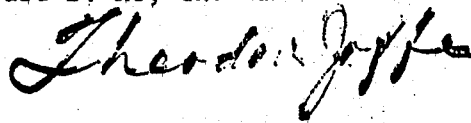
The Commission finds that claimant has not met the burden of proof in that she has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby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

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

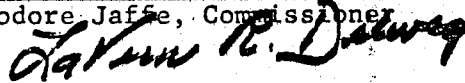
OCT 18 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

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).)

CU-2909