

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

IN THE MATTER OF THE CLAIM OF

SEECO INTERNATIONAL INC.

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2997

Decision No. CU

2013

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 \$14,157.13, was presented by SEECO INTERNATIONAL INC. and is based upon the asserted loss of payment for merchandise shipped to Cuba and loss of a bank account.

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 the loss of both a bank account and payment for merchandise shipped to Cuba. Other than claimant's statement of accounts outstanding, no evidence was originally submitted in support of the claim. Accordingly, by Commission letter of June 20, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. In response to this correspondence claimant submitted letters from various banks in Cuba. These letters do not establish any portion of the claim asserted. Additionally, claimant submitted a statement from the First National City Bank of New York, Cuban branch, reflecting a deposit in claimant's account of \$5,378.03 on June 27, 1960. Thereafter, by letters of December 21, 1967 and January 26, 1968, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter. Specifically, it was suggested that claimant submit evidence regarding the United States nationality of the shareholders of the claimant,

the non-United States nationality of the debtor enterprises and additional evidence to support the outstanding accounts receivable claimed. However no evidence in response to this correspondence has been received.

On April 3, 1968 claimant was invited to submit any evidence available to it within 20 days from that date, and it was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. A subsequent letter dated May 1, 1968 gave claimant an additional 30 days in which to submit the suggested evidence. No response or evidence has been received.

The Commission finds that claimant has not met the burden of proof in that it has failed to establish ownership by a United States national of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. 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

JUN 19 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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