

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

IN THE MATTER OF THE CLAIM OF

GEORGE J. VILA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 3356

Decision No. CU - 4946

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 GEORGE J. VILA for \$11,000.00 based upon the asserted ownership and loss of certain real and personal property in Cuba. Claimant has been a national of the United States since his naturalization in 1942.

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.

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 describes his loss as follows:

1/6 interest in residence in Marianao, Havana	\$10,000.00
1/6 interest in contents of residence	<u>1,000.00</u>
	\$11,000.00

He asserts that he inherited his interest in the property subject of this claim from his father who died intestate on December 25, 1953. He states that the lot on which the house was built was purchased in 1949, that the house which he describes was built in 1952, and that his mother was forced by the police to leave the property on April 27, 1962.

By Commission letter of July 7, 1967, claimant was advised as to evidence appropriate to submit in this matter. Additional suggestions were made on June 18, 1968. Claimant visited the offices of the Commission on July 18, 1968 at which time he submitted an affidavit as to the heirs of his father, and a description of the property.

On October 18, 1968, claimant was informed of the reduction in the Commission's staff and reminded of the elements to be established..


On October 16, 1969 he was advised that a report received by the Commission from abroad was negative. Claimant was invited to submit certain evidence within 45 days to support his claim; and was informed that absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No reply to either letter has been received.


The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests

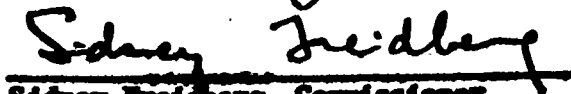
in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

JUN 3 1970


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, 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).)