

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

IN THE MATTER OF THE CLAIM OF

ANA MARIA SALOMON-PEREZ
BY CONCHITA SALOMON, HER
MOTHER AND NATURAL GUARDIAN

Claim No. 00 -3361

Exhibit No. 01 - **5749**

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Frank A. Sanders, 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 on behalf of ANA MARIA SALOMON-PEREZ for \$54,000 based upon the asserted ownership and loss of apartments in Vedada, Havana, Cuba. Claimant, ANA MARIA SALOMON-PEREZ, has been a national of the United States since birth.

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 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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States, . . . The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

According to the record the apartments (and the furnishings) were assertedly owned by Roberto Salomon and Conchita Salomon. The ownership has not been established. However, such property would come within the scope of the Cuban Urban Reform Law of October 14, 1960, which outlawed the renting of such properties. Moreover, Cuban Law 989, published on December 6, 1961, effectively confiscated the property of those who had left Cuba.

It thus appears that the properties subject of this claim would have been taken from Roberto Salomon and Conchita Salomon at least by December 1961. Roberto Salomon died apparently in June 1962. Thus the minor ANA MARIA SALOMON-PEREZ would have inherited a portion of his claim against the Government of Cuba.

However, it appears that Roberto Salomon was not a national of the United States. Therefore, even if it were to be assumed that the property in question has been effectively taken by the Government of Cuba and that such taking occurred during his lifetime, it is clear that this claim was not continuously

owned by a national of the United States from the probable date of loss, at least December 6, 1961.

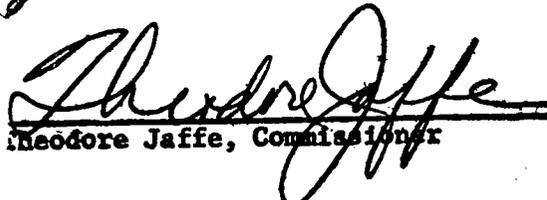
Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that it was not owned by a national of the United States on the date it arose and, therefore, it is hereby denied.

The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

AUG 19 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Kreidberg, 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).)