

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

IN THE MATTER OF THE CLAIM OF

MARY E. SOGN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3730

Decision No. CU 1973

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in an unstated amount, was presented by MARY E. SOGN, and is based upon the asserted loss of stock interests in the Cuban Venezuelan Oil Voting Trust. Claimant states that she has been a national of the United States since her birth in the State of Missouri but has submitted no supporting evidence to establish that she is a national of the United States.

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

Claimant, MARY E. SOGN, asserted that she is the owner of 1500 shares of the Cuban Venezuelan Oil Voting Trust of Cuba; and that she assertedly inherited such stock interests in June 1960 when her late husband, Julian C. Sogn, died. Claimant submitted transaction slips from her broker indicating that in 1966 and in 1968 her account included, among other stock interests, the aforesaid shares in the Cuban firm. In a letter dated August 24, 1967, the Commission suggested that claimant submit the stock certificates, evidence pertaining to the estate of the late Julian C. Sogn, data pertaining to the date or dates when the stock was acquired and evidence relating to the United States nationality of claimant and her late husband.

On October 18, 1967, claimant submitted an additional transaction slip from her broker indicating that in 1966 the stock of the aforesaid Cuban enterprise was held in her account. Claimant also submitted her affidavit, executed on October 16, 1967, disclosing that she is the sole survivor of her late husband, Julian C. Sogn.

Thereafter, in letters of February 14, 1968, March 1, 1968 and April 9, 1968, the Commission made additional suggestions toward development of this claim. Finally, and on April 19, 1968, the Commission made further suggestions, and claimant was invited to submit any evidence she might have within thirty (30) days from that date. Claimant was informed that, absent such supporting evidence, it might become necessary to determine the claim on the basis of the present record. Claimant has not responded to the correspondence of the Commission and has submitted no additional evidence in support of her claim.

The Commission finds that claimant has not met the burden of proof, in that she has failed to establish ownership, by a national or nationals of the United States, 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

JUN 13 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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