

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

IN THE MATTER OF THE CLAIM OF

MARIAN MESA
RACHEL MESA
ANTONIO MESA

Claim No. **CU-3884**
CU-3887
CU-3906
Decision No. CU-

2785

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

These claims, for unstated amounts, against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were opened by the Commission, on behalf of MARIAN MESA, RACHEL MESA and ANTONIO MESA based upon certain losses which may have been sustained as a result of actions by the Government of Cuba since January 1, 1959.

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.

Claimants have contacted the Commission and submitted signed claim forms.

It is asserted that claimants lost \$415.00 deposited in a bank in Cuba.

The record discloses that in September, 1965, the father of MARIAN MESA paid \$415.00 to Brockway Citizens Bank, for the use of MARIAN MESA and child, to cover the cost of travel to the United States. The funds were forwarded by the Brockway Citizens Bank through the Pittsburgh National Bank.

ANTONIO MESA and MARIAN MESA were advised to proceed to the National Bank of Cuba. The amount was paid out in pesos and redeposited in another bank, to be used for the trip from Havana to Mexico. A transfer paper in several copies was also given to the claimants, copies of which were given to appropriate officials at the outset of the trip.

Inasmuch as the funds were sent by the father of MARIAN MESA for the purpose of travel fare, and since MARIAN MESA and family have arrived in the United States, it does not appear that claimants have established that they have suffered a loss in this respect.

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interest in property which was nationalized, expropriated or otherwise

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taken by the Government of Cuba. Thus, the Commission is constrained to deny these claims and they are hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of these claims.

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

AUG 14 1968

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
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).)

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