

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

IN THE MATTER OF THE CLAIM OF

LUIS GELASIO MARTI  
and  
MARIA C. MARTI

Claim No. CU -8750

Decision No. CU 5381

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$1,000.00, was presented by LUIS GELASIO MARTI and MARIA C. MARTI based upon an asserted loss arising out of ownership of 1,000 shares of stock of Atlantica del Golfo Sugar Company, a Cuban corporation.

The record shows that the 1,000 shares of said stock were purchased by claimants on June 19, 1963. It further appears from claimants' statements that they acquired nationality of the United States on April 20, 1970 and December 1, 1969, respectively.

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.

On August 6, 1960, the Cuban Government published in its Official Gazette Resolution No. 1, pursuant to Law 851, which listed as nationalized Atlantica del Golfo Sugar Company. The Commission therefore finds that a claim based upon a stock interest in this nationalized Cuban corporation arose on August 6, 1960.

On the basis of the evidence of record, the Commission finds that claimants acquired in 1963 a claim based upon the 1,000 shares of stock in question. At that time neither of the claimants was a national of the United States.

The Commission therefore finds that this claim was not owned by nationals of the United States continuously from August 6, 1960, the date of loss, until the date of filing with the Commission. Pursuant to the express

provisions of Section 504 of the Act, this claim cannot be considered.

(See Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann.

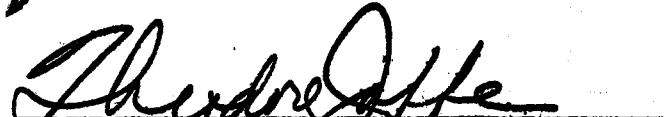
Rep 45 [July-Dec. 1966].)

Accordingly, this claim is denied in its entirety.

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

JUL 29 1970

  
Lyle S. Carlock, 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).)

CU-8750