

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

IN THE MATTER OF THE CLAIM OF

ERNEST M. LITRENTA  
and  
GILDA F. LITRENTA

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1456

Decision No. CU 4944

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 ERNEST M. LITRENTA and GILDA F. LITRENTA for \$57,439.66 based upon the asserted ownership and loss of real and personal property in Cuba. Claimant ERNEST M. LITRENTA has been a national of the United States since birth and claimant GILDA F. LITRENTA states that she has been a national of the United States since her naturalization on April 29, 1966.

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.

Claim is made herein for the loss of the following property:

1. Sanatorio Iruretagoyena, Avenue 69 No. 15202, Marianao, Havana, Cuba;
2. Land and building at San Lazaro No. 609, Havana, Cuba;
3. Apartment 302, Las Terrazas, Playa St. Maria del Mar, Havana, Cuba;
4. La Loma farm, St. Maria del Rosario, Havana, Cuba; and
5. Lot 91, La Corniza, St. Maria del Mar, Havana.

According to the evidence of record, the above-described properties were owned by Carmen Bosch Garcia, mother of GILDA F. LITRENTA, who died in Cuba on March 16, 1931 survived by her husband and three daughters, including the claimant. Inasmuch as GILDA F. LITRENTA inherited her interest in the claimed property, it was not subject to the community property laws of Cuba and no interest was conveyed or otherwise obtained by ERNEST M. LITRENTA. Accordingly, since he has not established an ownership interest in the claimed property, his claim therefor must be and hereby is denied.

Claimants state that the items claimed were taken by the Government of Cuba in 1960 under Cuban Reform Laws, at which time the owner of record, GILDA F. LITRENTA, was not a national 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 persons 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 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. Since GILDA F. LITRENTA is stated to have become a national of the United States on April 29, 1966, it is clear that her claim was not owned by a United States national on the date of nationalization or other taking.

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 of loss and therefore it is denied.

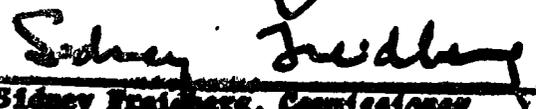
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

JUN 3 1970

  
Lyda 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).)