

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

IN THE MATTER OF THE CLAIM OF

VINCENT B. WOLFER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -3556

Decision No. CU -3291

Appeal and objections from a Proposed Decision entered on November 6, 1968.  
No oral hearing requested.

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Hearing on the record held on September 1, 1971.

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FINAL DECISION

This claim, presented by Angela Wolfer on behalf of her son VINCENT B. WOLFER, was denied by the Commission by decision issued on November 6, 1968 as the record did not establish that he had title to property in Cuba or had acquired any interest in any claim arising from taking of any property from his father, Ira I. Wolfer.

It has been contended that Ira I. Wolfer, having died on September 28, 1970, is survived by VINCENT B. WOLFER as universal heir under Cuban Law.

In a communication to Mrs. Wolfer, it was set out that inasmuch as Ira I. Wolfer died in Texas, the law of Texas would be applicable to any claim he had against Cuba, and it was suggested that evidence be submitted to establish whether he died testate or intestate, and identifying his heirs. No response has been received to this communication.

The matter having been considered, the Commission finds no basis for altering the Proposed Decision entered in this matter and affirms the denial of the claim.

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

SEP 1 1971

  
Louis B. Garlock, Chairman

  
Theodore Jaffe, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION  
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IN THE MATTER OF THE CLAIM OF

VINCENT B. WOLFER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3556

Decision No. CU - 3291

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$35,400.00, was presented by Angela Wolfer on behalf of her son VINCENT B. WOLFER and is based upon the asserted loss of land, improved real property and a stock interest in a Cuban enterprise. Claimant has been a national of the United States since his 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 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 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).)

Documentation has been submitted establishing that Ira I. Wolfer and Angela R. Wolfer, parents of VINCENT B. WOLFER, had ownership interests in the real and personal property subject of this claim, but no ownership interests were ever recorded in the name of the claimant. Both parents are still living and there is no record of any assignment of interests in the claimed property to claimant. To the contrary, by letter of October 23, 1968, the Commission was informed that the claimant's father did not wish to assign any interest to claimant "since he has presented a claim with the Treasury Department - Internal Revenue Service, a tax exception claim . . .". Claimant's mother, Angela R. Wolfer, was a Cuban national in 1961 when the property was assertedly taken by the Government of Cuba.

Accordingly, the Commission finds that claimant has not met the burden of proof in that he has failed to establish his ownership of rights and interests in property which was nationalized, appropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

NOV 6 1968

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

*Theodore Jaffe*  
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Theodore Jaffe, Commissioner

*Sidney Freidberg*  
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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-3556