

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

IN THE MATTER OF THE CLAIM OF

SADIE NEISNER

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0625

Decision No. CU 1972

Counsel for claimant:

Philip L. Wiener

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 \$70.00, was presented by SADIE NEISNER and is based upon an asserted loss sustained in connection with the ownership of 700 shares of stock issued by Cuban Venezuelan Oil Voting Trust. Claimant has been a national of the United States since her 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) 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).)

The record contains a stock certificate issued by Cuban Venezuelan Oil Voting Trust, No. NY 127867, naming SADIE NEISNER as owner of 700 shares. The certificate bears an issuance date of February 18, 1963. Evidence available to the Commission establishes that the date of loss with respect to Cuban Venezuelan Oil Voting Trust is prior to the date of issuance shown on the face of the stock certificate.

By Commission letter of February 26, 1968, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. No answer to this letter was received. On March 29, 1968, counsel was invited to submit any evidence available to him within 45 days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No reply to this letter was received. Thereafter, by letter of April 16, 1968 claimant was apprised of the letters to her counsel and invited to submit any available evidence within 30 days from that date but no evidence was received.

The Commission finds that claimant has not met the burden of proof in that she has failed to establish that the property upon which the claim is based has been continuously owned by United States nationals from the date of loss to the date of filing, as required by Section 504 of the Act. 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

**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).)