

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

IN THE MATTER OF THE CLAIM OF

JORGE NORBERTO PILA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0630

Decision No. CU 157

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 \$5,000.00, was presented by JORGE NORBERTO PILA based upon the asserted ownership of real and personal property. Claimant has been a national of the United States since June 20, 1961.

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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person 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 the Act, it must be established (1) 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; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Information available to the Commission from the Property Registry of Santiago de Cuba, Oriente, Cuba, discloses that the improved real property located at 565 Francisco Sanchez Hechavarria, formerly San Jeronimo, subject of this claim, was registered in the name of Jorge Norberto Pila y Telena. However, claimant was not a national of the United States in October 1960, when the claimed property assertedly was taken by the Government of Cuba, and did not become a national of the United States until his naturalization on June 20, 1961.

The Commission therefore finds that the property upon which this claim is based was not owned by a national of the United States on the asserted date of loss.

Accordingly, the Commission concludes that this claim is not a valid claim under Title V of the Act in that the property claimed herein was not owned by a national of the United States at the time of loss, and it is therefore denied.

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

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

JUL 26 1967

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

Francis [unclear]
Clerk of the Commission

CERTIFICATION

This is a true and correct copy of the decision
of the Commission which was entered on the 26th
day of July, 1967.
-- AUG-25-1967 --

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).)