

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

IN THE MATTER OF THE CLAIM OF

MURRAY CORWIN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1152

Decision No. CU 4507

Counsel for claimant:

Ferdie R. Ainslee, Esq.

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 \$34,000.00, was presented by MURRAY CORWIN and is based upon the asserted loss of household furnishings, as well as shareholder interests in the corporations Muebles Para la Casa y el Campo, S.A., Riera Corwin, S.A., and Confecciones Shelly-Pam, S.A. Claimant stated that he 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).)

This claim is based upon the asserted ownership and loss of household furnishings and stockholder interests in the corporations Muebles Para la Casa y el Campo, S.A., Riera Corwin, S.A., and Confecciones Shelly-Pam, S.A., incorporated under the laws of Cuba.

The original certificates, submitted by claimant, show that claimant owned stock in Cuban corporations as follows:

- 50 shares of Muebles Para la Casa y el Campo, S.A., stock having an aggregate par value of 5,000.00 pesos;
- 10 shares of Riera Corwin, S.A., stock having an aggregate par value of 5,000.00 pesos; and
- 200 shares of Confecciones Shelly-Pam, S.A., having an aggregate par value of 20,000.00 pesos.

Claimant also submitted an affidavit of November 11, 1965, by Luis J. Botifoll, in which it is stated, in essence, that claimant as stockholder, Vice-President, and General Manager of the corporation Confecciones Shelly-Pam, S.A., invested \$20,000.00 in that corporation, which was lost when the corporation was confiscated by the Government of Cuba. Information

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available to the Commission indicates that this enterprise was nationalized by the Government of Cuba on March 27, 1962.

By Commission letter of March 23, 1967, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of August 18, 1967, counsel was invited to submit the suggested evidence 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. The suggestions to submit evidence were repeated in the Commission's letter of October 24, 1967, and additional time of 30 days was granted to claimant for the submission thereof. In reply, counsel submitted by letter of November 15, 1967, claimant's Certificate of Birth, and by letter of December 29, 1967, the above-mentioned stock certificates.

By Commission letter of January 26, 1968, it was again suggested that the "household furnishings" be identified and evidence be submitted to establish ownership and value, and furthermore, that evidence be submitted as to the financial status of the three Cuban corporations involved in this claim, with any available information concerning their taking by the Government of Cuba. The period of time granted for the submission of supporting evidence was extended, pursuant to claimant's request, to April 15, 1968, and later until June 1, 1968. However, no further evidence has been submitted to date.

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The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property of value which was nationalized, expropriated 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

12 FEB 1970

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

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).)

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