

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

IN THE MATTER OF THE CLAIM OF

MARIA L. CABALS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1223

Decision No. CU 190

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 \$1,000.00 was presented by MARIA L. CABALS based upon an asserted debt due from Ferreteria La Sucursal, S.A. Claimant, MARIA L. CABALS, has been a national of the United States since her naturalization on December 12, 1963.

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.

Section 502(1) of the Act defines the term "national of the United States" as "(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 Title V 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.

The record contains a receipt dated August 29, 1957, from claimant and issued by one Angel G. Longoria acting in behalf of Ferreteria La Sucursal, S.A., for an installment loan of one year. Claimant contends that she never collected this money and that on December 5, 1962, the said company was nationalized by the Government of Cuba which prevented the payment of the loan.

Under the provisions of Sections 502(3), 503(a) and 504(a) of the Act, supra, not only should the claimant herein establish that she was owed a debt, she must also establish that some measure depriving her of her interest therein was applied by the Government of Cuba not only after January 1, 1959, but subsequent to December 12, 1963, the date she acquired citizenship of the United States. This she has not done.

Therefore, even if claimant established a debt was owed to her from the Ferreteria La Sucursal, S.A., and that the Government of Cuba intervened to prevent the payment of the loan, such action, which might have given rise to a claim in international law, which would be subject to determination under Title V of the International Claims Settlement Act of 1949, supra, occurred prior to the date claimant acquired citizenship of the United States.

Accordingly, for the reasons stated above, the Commission concludes that this claim is not one within the purview of Title V of the Act, supra, and it is denied.

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

AUG 29 1967

*Edward D. Re*

Edward D. Re, Chairman

This is a true and correct copy of the decision of the Commission as entered as the final decision on 25 SEP 1967

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*LaVern R. Dilweg*

LaVern R. Dilweg, 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).)