

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

IN THE MATTER OF THE CLAIM OF

PETER K. SOUMAS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2100

Decision No. CU 410

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by PETER K. SOUMAS, and is based upon the asserted loss of \$2,500.00, in connection with the asserted ownership of stock interests in Manati Sugar Company, Expresso Aero Interamericano, S.A., and in Atlantica del Golfo Sugar Company (Compania Azucarera Atlantica Del Golfo). Claimant has been a national of the United States since his naturalization on June 28, 1926.

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).)

Claimant avers that he is the owner of 100 shares of Manati Sugar Company, 3,000 shares of Expresso Aero Interamericano, S.A., and 1,000 shares of Atlantica del Golfo Sugar Company, which enterprises sustained a taking of their assets by the Government of Cuba. Other than claimant's statements, the record contains no evidence concerning ownership and value of the shares of stock, subject of this claim.

By Commission letter of May 29, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. No reply in response to this correspondence has been received to date. On August 1, 1967, claimant 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. No evidence has since been submitted.

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 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.

It is noted further that the Commission is precluded, under Section 505(a) of the Act, from considering the portion of this claim based upon the asserted loss sustained in connection with a stock interest in Manati Sugar Company, inasmuch as such enterprise is a corporation which qualifies as a United States national and has filed a claim against the Government of Cuba under Title V of the Act (FCSC Claim No. CU-2525), on its own behalf. (See the Claim of Mary F. Sonnenberg, FCSC Claim No. CU-0014,)

Section 505(a) of the Act provides that

A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered . . .

The Commission deems it unnecessary to make determinations with respect to other elements of the instant claim.

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

OCT 4 1967

**CERTIFICATION**

This is a true and correct copy of the decision of the Commission as entered as the final decision on **9 NOV 1967**

*Francis MacKinnon*  
Member of the Commission

*Edward D. Re*

Edward D. Re, Chairman

*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).)