

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

IN THE MATTER OF THE CLAIM OF

ROBERT W. REIDELBERGER
BERNICE T. REIDELBERGER

Claim No. CU-2419

Decision No. CU -1414

Under the International Claims Settlement
Act of 1949, as amended

AMENDED PROPOSED DECISION

This claim was originally filed by ROBERT W. REIDELBERGER based upon the asserted loss of 1100 shares of Cuban Venezuelan Oil Voting Trust stock. It was denied under date of February 28, 1968 for failure to sustain the burden of proof.

Subsequently, claimant submitted supporting evidence and an official claim form duly executed by his wife, requesting that she be joined in the claim, and that the claim be reduced to 1000 shares of Cuban Venezuelan Oil Voting Trust stock. Upon consideration of this matter, it is

ORDERED that these requests be granted, and that the Proposed Decision be amended to read as follows:

Claimants ROBERT W. REIDELBERGER and BERNICE T. REIDELBERGER, who owned jointly participation interests in the Cuban Venezuelan Oil Voting Trust, assert a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Trust.

In our decision entitled the Claim of Felix Heyman (Claim No. CU-0412 which we incorporate herein by reference), we held that the properties owned or controlled by the Trust were nationalized or otherwise taken by

CERTIFICATION OF LOSS

The Commission certifies that ROBERT W. REIDELBERGER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the sum of Fifty-nine Dollars and Eighty-six Cents (\$59.86) with interest at 6% per annum from November 23, 1959 to the date of settlement; and

the Commission certifies that BERNICE T. REIDELBERGER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the sum of Fifty-nine Dollars and Eighty-five Cents (\$59.85) with interest at 6% per annum from November 23, 1959 to the date of settlement.

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

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended 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].)

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

IN THE MATTER OF THE CLAIM OF

ROBERT W. REIDELBERGER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2419

Decision No. CU 1414

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 \$730.00 plus interest, was presented by ROBERT W. REIDELBERGER and is based upon the asserted loss of interests in 1100 shares of Cuban Venezuelan Oil Voting Trust stock. Claimant, ROBERT W. REIDELBERGER, has been a national of the United States since his birth in the United States.

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).)

Other than his own statements, his birth certificate and a statement of security account dated December 29, 1967, claimant has submitted no evidence in support of this claim. By Commission letter of July 21, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. On December 14, 1967, the Commission reminded claimant of its previous inquiry and requested that he submit the evidence suggested therein within 45 days. Other than the statement of security account mentioned above, no evidence in response to this letter has been received.

Thereafter, by letter of January 19, 1968, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter, 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 interest 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. 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

FEB 28 1968

Edward J. Re

Theodore Jaffe

Edward J. Re, Chairman

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).)

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