

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

IN THE MATTER OF THE CLAIM OF

SANTIAGO UBEDA

Claim No. CU-2880

Decision No. CU-2967

Under the International Claims Settlement  
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered on August 29, 1968.  
No oral hearing requested.

Hearing on the record held on May 19, 1971

FINAL DECISION


On August 29, 1968 the Commission issued a Proposed Decision denying this claim for failure of proof. The claim was based on the loss of unimproved real property in the Isle of Pines.

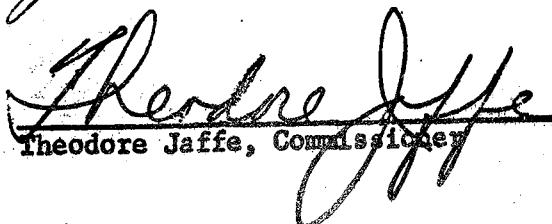
Objections were filed and claimant was again informed of the evidence required to establish this claim. On May 8, 1970 claimant was advised to submit the evidence within 30 days. No reply or evidence has been received.

The Commission, having considered the entire record is constrained to affirm the denial of this claim for lack of proof, and accordingly the Proposed Decision is affirmed.

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

JUN 2 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

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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 \$2,000.00, was presented by SANTIAGO UBEDA and is based upon the asserted loss of certain unimproved real property located on the Isle of Pines, Cuba. Claimant has been a national of the United States since his naturalization on May 22, 1947.

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 states that he and his wife were the owners of certain unimproved real property located on the Isle of Pines, Cuba, and that the property was taken by the Government of Cuba.

By Commission letter of June 16, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of August 30, 1967, the Commission again requested the submission of the suggested evidence. By letter of November 3, 1967, the Commission made additional suggestions to claimant concerning the development of this claim and claimant was advised that if the evidence was not submitted within twenty (20) days from that date, it might become necessary to determine the claim on the basis of the existing record. Again on June 20, 1968 claimant was advised to respond within 30 days. No evidence has been submitted in response to any of the correspondence.

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. 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

**AUG 29 1968**

*Leonard v. B. Sutton*  
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Leonard v. B. Sutton, Chairman

*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).)