

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

IN THE MATTER OF THE CLAIM OF

LATIFE M. SARDINAS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -4697

Decision No. CU - 4251

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in an unstated amount was opened on behalf of LATIFE M. SARDINAS based upon the asserted loss of household furnishings, contents of a pharmacy and bank deposits in Cuba. Claimant states that she acquired her United States nationality through her mother on October 13, 1966.

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 in all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

On May 24, 1968 claimant submitted a request that the Commission assist in obtaining certain documentation concerning the claim. On April 28, 1969 the Commission forwarded to claimant a document in the Spanish language, and requested that an English translation thereof be submitted. This latter letter was returned to the Commission by the United States Post Office marked "Moved - left no address". The Commission requested on May 7, 1969 the assistance of the United States Postmaster in Cleveland, Ohio in providing a forwarding address and was subsequently advised the Commission of a new address. Additional letters were sent to claimant at the new address of her brother-in-law enclosing a copy of the evidence in the Spanish language and advising her that if a reply was not received within 45 days it might be necessary for the Commission to determine the claim on the basis of the present record. The letters were never returned as undelivered. No evidence was submitted.

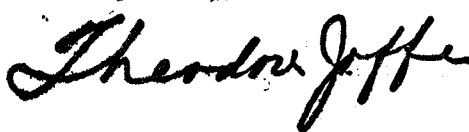
The Commission finds that claimant has not met the burden of proof, in that she has failed to establish ownership of rights and interests in

CU-4697

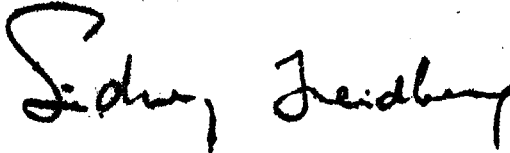
property which was nationalized, appropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is hereby denied. The Commission deems it unnecessary to determine other elements of this claim.

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

NOV 26 1969



Theodore Jaffe, Commissioner



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).)

CU- 4697