

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

IN THE MATTER OF THE CLAIM OF

DALE COLLINS
BETTY LOU COLLINS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 4806

Decision No. CU 1106

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 \$5,800.00, was presented by DALE COLLINS and BETTY LOU COLLINS and is based upon the asserted loss of certain personal property located in Santa Clara, Cuba. Claimants have been nationals of the United States since their respective births 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).)

Claimants state that they resided in Santa Clara, Las Villas, Cuba, while working for the General Conference of Seventh Day Adventists. Claimants state further that their personal property consisting of furniture, furnishings and an automobile was taken by the Government of Cuba on January 4, 1961.

By Commission letter of July 25, 1967, claimants were advised as to the type of evidence proper for submission to establish this claim under the Act. On September 1, 1967, claimants were again requested to submit the suggested evidence. Claimants submitted on September 6, 1967 an itemized list of property and copies of their birth certificates. On October 13, 1967 and December 19, 1967, the Commission requested additional evidence. No response has been received to date.

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Other than an itemized list of the personalty which claimants state was lost and copies of birth certificates, the record does not contain any evidence of the ownership, loss or value of the subject property.

By letter dated December 19, 1967, claimants were advised that if the evidence was not received within thirty (30) days, it might become necessary to determine the claim on the basis of the existing record.

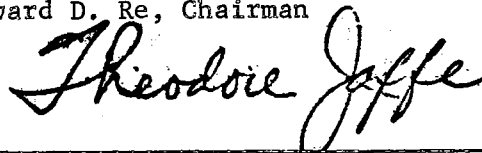
The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is 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

JAN 31 1968.



Edward D. 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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