

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

IN THE MATTER OF THE CLAIM OF

ANDRES VAZQUEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 4834

Decision No. CU **319**

Counsel for claimant:

Kellam and Kellam  
by William H. Hodges, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by ANDRES VAZQUEZ for \$3,285.00 based upon an asserted loss due to the action of the Government of Cuba. Claimant, ANDRES VAZQUEZ, states he has been a national of the United States since his naturalization on November 9, 1966.

Under Section 503 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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States." The term does not include aliens.

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Claimant states that certain personal property was confiscated from his home in Pinar del Rio by the Cuban Government, on or about December 3, 1960 when he was forced to leave the country. Accordingly, he now claims the total value of the above goods.

Assuming, but not finding that claimant has, in fact, suffered said losses, the Commission is constrained to deny the claim on other grounds.

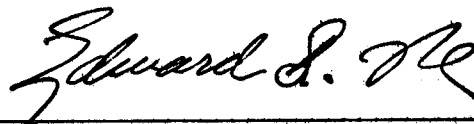
Under the provisions of Sections 503(a) and 504(a) of the Act, supra, not only must the claimant herein establish that he has suffered a loss by the action of the Government of Cuba, but also he must establish that such loss occurred while he was a United States national.

On the basis of the information furnished by claimant, the Commission finds that claimant's asserted loss on December 3, 1960 occurred prior to the time he states he became a national of the United States.

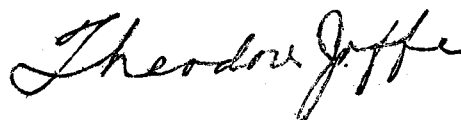
Accordingly, for the reason stated above, the Commission concludes that this claim is not one within the purview of Title V of the Act, supra, and it is denied. Other elements of the claim have not been considered.

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

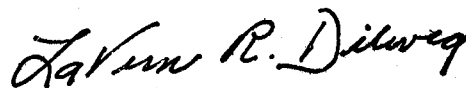
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Edward D. Re, Chairman



Theodore Jaffe, Commissioner



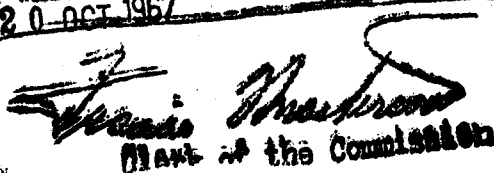
LaVern R. Dilweg, Commissioner

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 (a) and (g) as amended, 32 Fed. Reg. 412-13 (1967).)

CERTIFICATION

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on 20 OCT 1967

CU-4834



Francis Thompson  
Clerk of the Commission