

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

IN THE MATTER OF THE CLAIM OF

JACK OJALVO

Claim No. CU -0593

Decision No. CU 3232

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$62,061.00, was presented by JACK OJALVO and is based upon the asserted confiscation of claimant's business in Cuba. Claimant has been a national of the United States since birth.

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

Evidence of record establishes that claimant owned and operated a phonograph sales and leasing business, the main offices of which were located at Crombet and Moncada Streets, Guantanamo, Oriente, Cuba. Claimant states that representatives of the Government of Cuba took over his business on September 10, 1961.

The record contains affidavits executed by three individuals who are presently residents of the United States. Each affiant was personally acquainted with claimant in Cuba, and each certifies that claimant was the sole proprietor of the business at Crombet and Moncada Streets, and that said business was confiscated by the Cuban Government.

On the basis of the evidence of record, and in the absence of evidence to the contrary, the Commission finds that claimant's property was taken by the Government of Cuba on September 10, 1961.

Claimant has submitted an affidavit jointly executed by himself and a Cuban accountant, the claimant's former bookkeeper. A copy of the company's balance sheet for the period ending September 10, 1961, shows a net asset value of \$62,061.00. The accountant states that he prepared the balance sheet of September 10, 1961, and further states that the balance sheet is a fair and correct depiction of the company's financial position as of that date.

On the basis of the record, the Commission finds that the value of claimant's business assets on September 10, 1961, was \$62,061.00.

Accordingly, it is concluded that claimant suffered a loss in the amount of \$62,061.00, within the meaning of Title V of the Act, as a result of the taking of his business by the Cuban Government on September 10, 1961.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that JACK OJALVO 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 amount of Sixty-Two Thousand Sixty-One Dollars (\$62,061.00) with interest thereon at the rate of 6% per annum from September 10, 1961 to the date of settlement.

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

OCT 30 1968

Leonard W. E. Sutton
Leonard W. E. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freisberg
Sidney Freisberg, Commissioner

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 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).)