

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

CHARLES F. RAPP
and
EDITH RAPP

Claim No. CU-0654

Decision No. CU 3511

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

Claimants, CHARLES F. RAPP and EDITH RAPP, who owned stock interests in the Trans-Cuba Oil Company and Cuban-Venezuelan Oil Voting Trust, assert a claim in the amount of \$337.13 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company and Trust.

In our decisions entitled the Claim of D. R. Wimberly (Claim No. CU-3417) and Claim of Felix Heyman (Claim No. CU-0412) which we incorporate herein by reference, we held that the properties owned or controlled by the Company and the Trust were nationalized or otherwise taken by the Government of Cuba on November 23, 1959, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of Trans-Cuba as \$0.1198; and per unit of the Trust as \$.11971.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Wimberly and Heyman decisions; that they were American nationals at the requisite times; that they have been the joint owners of 200 shares of stock in the Trans-Cuba Oil Company, and of 100 units of participation in the Cuban-Venezuelan Oil Voting Trust since prior to November 23, 1959; and that they jointly suffered a loss in the amount of \$35.93 within the meaning of Title V of the Act.

Claim has also been asserted based on 200 shares of United Cuban Oil Co., Inc. Inasmuch as United Cuban Oil Co., Inc. qualifies as a United

States national within the purview of Title V, individual stockholders thereof may not maintain claim under Title V for its losses (see Claim of Joseph D'Adamo, Claim No. CU-0831). Accordingly, this part of the claim is denied.

The Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959, the date of loss, to the date on which provisions are made for the settlement thereof. (See Wimberly and Heyman, supra.)

CERTIFICATION OF LOSS

The Commission certifies that CHARLES F. RAPP and EDITH RAPP jointly 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 Thirty-five Dollars and Ninety-three Cents (\$35.93) with interest at 6% per annum from November 23, 1959 to the date of settlement.

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

FEB 12 1969

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

Theodore Jaffe

Theodore Jaffe, Commissioner

Samuel Feilberg

Samuel Feilberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimants establish retention of the securities for the loss here certified.

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).)