

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

IN THE MATTER OF THE CLAIM OF

ROBERT M. THOMSON
LUCY M. THOMSON

Claim No. CU -0679

Decision No. CU 2096

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, was presented by ROBERT M. THOMSON and LUCY M. THOMSON, for \$13,002.24 based upon the asserted ownership and loss of an interest in real and personal property in Cuba. Claimants have been nationals of the United States since their 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.

Claimants contend they lost an investment of \$7,510.61 in a cooperative apartment, furnishings valued at \$3,955.80, bank deposits totaling \$505.83, an electricity deposit of \$30.00 and membership privileges in the Club La Torre valued at \$1,000.00.

The record contains copy of a contract reciting a purchase price of \$18,370.00 for a cooperative apartment at 17 & M Streets, Vedado, Havana, copies of invoices and drafts reflecting payments by claimants of \$6,749.31 on the principal and payments of \$761.30 for work on the apartment.

Additionally, claimants have submitted itemized lists of personalty valued at \$3,955.80, purchased by them for use in the apartment, supported by receipts therefor marked paid.

Moreover, the record reflects the existence of two bank accounts: one in Banco Financiero with a balance of \$36.83; and a deposit of \$469.99 in the First National Bank of Boston, at Havana. Similarly, the record reflects a deposit of \$30.00 with an electric company.

Furthermore, evidence has been submitted of the membership of claimant, ROBERT M. THOMSON, in the Club La Torre, assertedly representing an investment of \$1,000.00. Evidence available to the Commission indicates that such membership fee was in fact \$1,000.00.

On December 6, 1961, the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

The Commission finds, in the absence of evidence to the contrary, that claimants' apartment, furnishings thereof, bank deposits, electric company deposit, as well as ROBERT M. THOMSON'S membership privileges in the Club La Torre were taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989. (See Claim of Wallace Tabor, Claim No. CU-0109.)

In arriving at the value of claimants' loss, the Commission has considered all evidence of record, including contracts, invoices, receipts, deposit slips, lists of personalty and values ascribed thereto, as well as evidence available to the Commission of values of similar properties. The Commission therefore finds that the following are the fair and reasonable values of the items lost:

Apartment	\$7,510.61
Personalty	3,955.80
Bank deposits	505.83
Light deposit	30.00
Club La Torre Investment	1,000.00
TOTAL	<u>\$13,002.24</u>

Accordingly, the Commission concludes that ROBERT M. THOMSON suffered a loss of \$7,001.12 and LUCY M. THOMSON suffered a loss of \$6,001.12 within the meaning of Title V of the Act.

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.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimants shall be increased by interest thereon at the rate of 6% per annum from December 6, 1961, the date on which the losses occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that ROBERT M. THOMSON 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 Seven Thousand One Dollars and Twelve Cents (\$7,001.12), with interest thereon at 6% per annum from December 6, 1961 to the date of settlement; and

the Commission certifies that LUCY M. THOMSON 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 Six Thousand One Dollars and Twelve Cents (\$6,001.12) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

JUL 24 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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).)

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