

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

**IN THE MATTER OF THE CLAIM OF**

ARMANDO L. MARTINEZ  
and  
DALIA MARTINEZ

**Claim No. CU -0709**

**Decision No. CU**

**3396**

**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 ARMANDO L. MARTINEZ and DALIA MARTINEZ, for \$16,433.76, as amended, based upon the asserted ownership and loss of real and personal property in Cuba. Claimants have been nationals of the United States since 1949.

Under Title V of the International Claims Settlement Act of 1949, as amended [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 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(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.

Claimants contend they have lost real property consisting of (1) a lot at Calle 86 No. 1706, Almendares Marianao, and (2) improved by a house, at Avenue 21, No. 8209 Almendares Marianao. They also assert the loss of furnishings in the house.

Claimants have submitted original deeds covering the purchase of the lot in 1950, and the purchase of the improved realty in 1959. Additionally they have submitted an itemized list of personalty, supported by many invoices for the purchase of the items.

On the basis of the entire record the Commission finds that claimants became the owners, in equal parts, of the above described real property in Havana Cuba.

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.

As the record shows, claimants left Cuba on June 16, 1961. The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Based on the entire record, including the deeds, the Commission finds that the unimproved plot of land had a value of \$2,368.06 and that the improved real property had a value of \$11,328.84. Additionally, the

Commission, having examined the documentation submitted with respect to the personal property, finds that the personal property was taken on the same date and had a value of \$2,668.40. Accordingly, the Commission concludes that claimants suffered a total loss in the amount of \$16,365.30 within the meaning of Title V of the Act.

So much of the claim as is based on jewelry given to relatives is not shown to have been taken by the Government of Cuba, and it is accordingly denied.

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

CERTIFICATION OF LOSS

The Commission certifies that ARMANDO L. MARTINEZ and DALIA MARTINEZ 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 Sixteen Thousand Three Hundred Sixty-five Dollars and Thirty Cents (\$16,365.30), 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.

DEC 18 1968

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

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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).)