

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

IN THE MATTER OF THE CLAIM OF

IRWIN A. VLADIMIR
and
GERALDINE S. VLADIMIR

Claim No. CU -0829

Decision No. CU 4284

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 IRWIN A. VLADIMIR, for \$19,333.75 based upon the asserted ownership and loss of improved realty and personalty. GERALDINE S. VLADIMIR having petitioned to be joined in this matter, the petition is granted and she is joined as a party claimant. Claimants have been nationals 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 of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The claim is further described as follows:

Land and building	\$13,100.00
Additional room	1,070.00
Furniture, furnishings and equipment	2,263.75
Clothing	2,400.00
Canned and bottled goods	<u>500.00</u>
	\$19,333.75

On the basis of the entire record, the Commission finds that claimants were the owners, in equal parts, of improved realty at the Residencial Yacht Club, Varadero, Matanzas, Cuba, and certain personalty located therein.

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 the subject real property and certain personal property of the claimants was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

In arriving at the value of the real property, the Commission has considered all evidence of record, including the description of

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the land area, the built-up area, the number of rooms, as well as evidence available to the Commission as to the value of similar properties, and finds that \$14,170 is the fair and reasonable value of the improved real property subject of this claim.

In connection with the claim for personal property, the Commission has examined the itemized lists supplied and after applying appropriate depreciation finds that the furniture, furnishings, equipment and clothing had a value of \$3,435 at the time of loss.

With respect to the item of canned and bottled goods, the Commission finds that the record does not substantiate this item of claim and cannot find that these items were taken by the Government of Cuba. Accordingly, this item of claim is denied.

The Commission concludes that each claimant sustained a loss of \$8,802.50 within the meaning of Title V of the Act as a result of the taking of the said real and personal property by the Government of Cuba.

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 in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that IRWIN A. VLADIMIR 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 Eight Thousand Eight Hundred Two Dollars and Fifty Cents (\$8,802.50), with interest thereon at 6% per annum from December 6, 1961 to the date of settlement; and

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The Commission certifies that GERALDINE S. VLADIMIR 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 Eight Thousand Eight Hundred Two Dollars and Fifty Cents (\$8,802.50), 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 10 1969

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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