

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

IN THE MATTER OF THE CLAIM OF

MARIA M. RODRIGUEZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0977

Decision No. CU 6108

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the revised amount of \$16,025.00 was presented by MARIA M. RODRIGUEZ, based upon the asserted loss of real and personal property. Claimant has been a national of the United States since her birth in Tampa, Florida.

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.

The record before the Commission establishes that claimant MARIA M. RODRIGUEZ and her husband Victor Rodriguez Mones owned jointly under the community property laws of Cuba:

(1) a two-story brick building numbered 62 Continental Street, 192 square meters in the subsection "El Sevillano", section of Vibora, in the city of Havana, Cuba, between Gertrudis, Continental, D'Strampes and Jorge Street, facing Continental Street, the property being free of encumbrances;

(2) a vacant lot measuring 192 square meters, free of encumbrances, contiguous to the lot described above; and

(3) personal property, consisting of furniture, household goods, a water pump and a water tank.

The record shows that claimant and her family were compelled to leave Cuba and that they departed for the United States on December 28, 1966. The Cuban Government published its Law No. 989 on December 6, 1961, which effectively confiscated all assets, personal property, real estate, rights, shares of stock, bonds and securities of those persons who left the country. The Commission, therefore, finds that the above property was taken by the Government of Cuba pursuant to Law 989 on December 28, 1966.

The evidence establishes and the Commission finds that claimant acquired title to the property during her marriage to Victor Rodriguez Mones, who never was and is not a national of the United States. Pursuant to the community property laws in effect in Cuba, claimant held a one-half interest in

the property. Inasmuch as claimant's husband is not a national of the United States, he is ineligible under Title V of the Act for certification of losses with respect to his interest, and his interest cannot be considered by the Commission. (See Claim of Robert L. Cheaney and Marjorie L. Cheaney, Claim No. CU-0915, and Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann. Rep. 45 [July-Dec. 1966].)

The evidence discloses that claimant purchased the lot at No. 62 Continental Street on March 24, 1952 for \$1,134.75; that she constructed the house thereon at an expense of approximately \$6,000.00; that she purchased the contiguous lot for \$2,000.00 on March 18, 1957; that she erected a second floor on the house with a separate apartment for rental purposes prior to 1960; and that at the time of loss the entire real property had a value of \$14,000.00.

The evidence further discloses that the personal property had the following value on the date of loss:

Furniture for two rooms	\$ 940.00
Refrigerator "Leonard"	430.00
Television "Admiral"	359.00
Kitchen gas range "Tappan"	130.00
Water pump and tank for 250 gallons	<u>166.50</u>
Total	\$2,025.50

Accordingly, the Commission finds that the total loss amounted to \$16,025.50; and concludes that claimant's one-half interest had a value of \$8,012.75 and that she suffered a loss in that amount within the meaning of Title V of the Act.

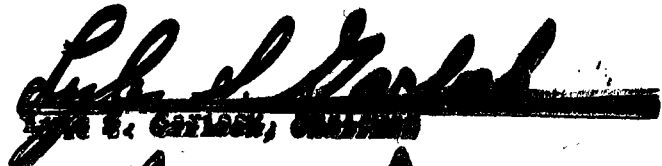
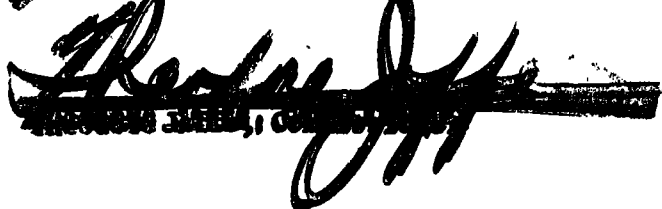
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim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

CERTIFICATION OF LOSS

The Commission certifies that MARIA M. RODRIGUEZ 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 Twelve Dollars and Seventy-five Cents (\$8,012.75) with interest thereon at 6% per annum from December 28, 1966, the date of loss, to the date of settlement.

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

**MAR 17 1971**

  
L. E. CARLISLE, Chairman  
  
THOMAS J. [unclear], Counsel

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 (1970).)

CU-0977