

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

IN THE MATTER OF THE CLAIM OF

OSCAR ALBERT HANSON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1003

Decision No. CU 3523

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 OSCAR ALBERT HANSON in the amended amount of \$2,212.28 based upon the asserted ownership and loss of personal property. Claimant has been a national 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.

Claimant asserts his amended claim as follows:

Miscellaneous Household Effects and Appliances	\$3,154.50	
Less Amount Received	<u>2,217.22</u>	\$ 937.28
Automobile	\$3,000.00	
Less Amount Received	<u>1,725.00</u>	<u>\$1,275.00</u> \$2,212.28

In support of his claim, claimant has submitted copies of documents, lists and letters concerning the attempted removal of his personal property from Cuba, prior to his arrival in Wisconsin on October 10, 1960. He asserts that his loss arose on September 20, 1960.

On the basis of the entire record the Commission finds that claimant was the owner of certain personal property in Cuba which was taken by agents of the Cuban Government and in the absence of evidence to the contrary, that it was taken on September 20, 1960.

Claimant has submitted an itemized list of personalty which was not shipped from Cuba. Against certain items, appliances, on the list, claimant has been reimbursed a depreciated figure of \$2,217.22. The Commission finds that the remainder of the items, after application of an appropriate depreciated rate, had a value of \$685.00. Accordingly, the Commission concludes that claimant suffered a loss in that amount within the meaning of Title V of the Act.

With respect to the automobile the record reflects claimant's contention in a letter of December 2, 1960, that he had been offered 3,000 pesos for his car, but was not permitted to sell it at that time. It appears that it was sold later and claimant states he received

\$1,725.00 of the asserted value. Information available to the Commission indicates that \$1,725.00 exceeds the average retail price for a 1958 De Soto in 1960. Accordingly, the Commission finds that claimant has recovered his loss with respect to the car and this part of the claim is denied.

The Commission has decided that in certification 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 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 OSCAR ALBERT HANSON 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 Hundred Eighty-Five Dollars (\$685.00) with interest at 6% per annum from September 20, 1960 to the date of settlement.

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

FEB 19 1969

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

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
Sidney Freidberg, 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 claimant establishes 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).)