

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

IN THE MATTER OF THE CLAIM OF

ISRAEL PHILIP GOLDMAN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1123

Claim No. CU-1124

Decision No. CU **4315**

PROPOSED DECISION

Claimant, ISRAEL PHILIP GOLDMAN, asserts claim in the total amount of \$137,650.00 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba based on several bond and stock interests.

The Commission finds that the claimant, ISRAEL PHILIP GOLDMAN, a national of the United States since 1920, was the owner of the following interests in stocks and bonds of Cuban entities:

285 shares of Compania Cubana;

400 shares of Cia. Azucarera Vertientes-Camaguey de Cuba;

Four 3% Income Debentures of the Consolidated Railroads of Cuba in the total face amount of \$20,000.00;

18 First Lien and Refunding Bonds of The Cuba Railroad Company in the total original face amount of \$18,000.00; and

15 First Mortgage Bonds of said Railroad, in the total original face amount of \$15,000.00.

Evidence of record establishes that the properties of these entities were taken by the Government of Cuba on the following dates:

Cia. Cubana, August 6, 1960 (See Claim of George E. Sanford, Claim No. CU-2923)

Cia. Azucarera Vertientes-Camaguey de Cuba, August 6, 1960
(See Claim of Ruth Anna Haskew, Claim No. CU-0849)

Consolidated Railroads of Cuba, October 13, 1960 (See Claim of Edward R. Smith, Claim No. CU-5001)

Cuba Railroad Company, October 13, 1960 (See Claim of Edgar F. Corliss, Claim No. CU-0785,
Claim of Albert I. Harris, Claim No. CU-2398,
Claim of Joseph Gans, Claim No. CU-1720)

The Commission has found that this type of claim is compensable to an American national under the facts and conditions set forth in the cited decisions. We need not again detail here the reasons or the method used in determining the following values:

\$78.0443 per share of Cia. Cubana (Sanford, supra)

\$46.3946 per share of Vertientes (Haskew, supra)

\$5,945.41 per \$5,000 3% Cumulative Income Debenture,
including interest to October 13, 1960 (Smith, supra)

\$682.56 per \$1,000 First Lien and Refunding bond, including
interest to October 13, 1960 (Harris, supra)

\$492.86 per \$1,000 First Mortgage bond, including interest
to October 13, 1960 (Gans, supra)

The Commission further finds that claimant owned the aforesaid stocks and bonds prior to the cited dates of loss and that he suffered losses, in the amounts shown below, within the meaning of Title V of the Act:

285 Cia. Cubana	\$ 22,242.63
400 Vertientes-Camaguey Sugar Co.	18,557.84
3% Income Debentures	23,781.64
18 First Lien and Refunding bonds	12,286.08
15 First Mortgage bonds	<u>7,392.90</u>
Total	\$ 84,261.09

On the basis of evidence of record, the Commission also finds that the claimant acquired additional bonds of The Cuba Railroad Company as follows:

3 Improvement and Equipment 5% Fifty Year Gold Bonds in
the total face amount of \$3,000.00 on December 27,
1962, for \$131.25;

20 First Mortgage 5% Fifty Year Gold Bonds in the total
face amount of \$20,000.00 on December 5, 1960,
for \$750.00.

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Under the provisions of Section 504(a) of the Act, a claimant is required to establish that the claim for any loss has been continuously owned by a national or nationals of the United States from the date of loss to the date of filing with the Commission. The loss occurred on October 13, 1960. In similar cases, claimants have been unable to obtain information or evidence to establish the nationality of the owner of the securities on the date of loss, and to establish continuous United States ownership of the securities until the date on which claimant acquired them.

Evidence of record before the Commission discloses that securities of the type subject of this claim were almost entirely owned and traded by persons or firms having addresses in the United States. The Commission has considered whether an inference may be justified that the claimed securities were continuously owned by a national or nationals of the United States from the date of loss to the date on which purchased by the claimant, and in the absence of evidence to the contrary, has concluded that the securities were continuously so owned. (See Claim of the Executors of the Estate of Julius S. Wikler, Deceased, Claim No. CU-2571.)

Section 507 of the Act provides, as to assignment of claims, that

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

The Commission finds that claimant, as an assignee by purchase of the last-mentioned 23 bonds, acquired the claim for the loss sustained by the assignor of the claimed securities, but under the limitations provided in Section 507 of the Act (supra) is limited to \$881.25, the actual consideration he paid for these bonds.

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 and dates of certain purchases to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

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<u>FROM</u>	<u>ON</u>
August 6, 1960	\$ 40,800.47
October 13, 1960	43,460.62
December 5, 1960	750.00
December 27, 1962	<u>131.25</u>
	\$ 85,142.34

CERTIFICATION OF LOSS

The Commission certifies that ISRAEL PHILIP GOLDMAN sustained 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 Eighty-five Thousand One Hundred Forty-two Dollars and Thirty-four Cents (\$85,142.34) with interest thereon at 6% per annum from the aforesaid dates to the date of settlement.

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

7 JAN 1970

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).)

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