

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

IN THE MATTER OF THE CLAIM OF

DOROTHY G. O'KIEFFE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 1242

Decision No. CU - 876

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 DOROTHY G. O'KIEFFE, for \$16,000.00, based upon the asserted ownership and loss of currency. Claimant, DOROTHY G. O'KIEFFE, has been a national of the United States since her birth in the United States.

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 of 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.

During the period 1959-1961, a number of laws and resolutions were issued in Cuba affecting banks, bank accounts, and currency, a chronological resume of which is of historical interest.

Law 568, published in the Cuban Official Gazette on September 29, 1959, forbade the transfer of funds abroad and effectively operated to block the funds of anyone who left the country.

By Law 963, published in the Cuban Official Gazette on August 4, 1961, a currency exchange was effected. Currency was required to be turned in at certain centers and a new currency was provided. There was no change in value. However, each person was to receive 200 pesos in new currency, and all over that amount was placed in a special account in his name. The "old" currency was required to be surrendered on August 6, and August 7, 1961.

By Law 964, published in the Cuban Official Gazette on August 9, 1961, it was provided that the owners of the deposits created under Law 963 could draw up to 1,000 pesos, the balance up to 10,000 remained in so-called "special accounts", and all amounts over 10,000 pesos passed to the State Treasury.

The record herein contains an undated letter to the claimant from the United States Department of State, wherein it is confirmed that claimant had delivered 16,000 pesos to the American Embassy in Habana, Cuba, on November 29, 1960. The letter was to act as a receipt for this delivery.

Subsequently, upon the closing of the United States Embassy in Habana, this and other funds deposited with the Embassy were turned over to a private depository which surrendered these funds for exchange under Law 963, but received nothing in return.

From the historical data available to the Commission, it is clear that Law 963 was designed to draw any funds in circulation, and not on deposit in banks, into the possession of the Cuban Government, and that the fictional "special accounts" created thereby were effectively confiscated by the provisions of Law 964, which became effective two days after the "old" currency was required to be surrendered.

In the absence of evidence to the contrary, the Commission finds that claimant's fund of 16,000 pesos was taken by the Government of Cuba on August 9, 1961, the date Law 964 took effect. Further, the Commission finds that on August 9, 1961, claimant's 16,000 pesos had a value of \$16,000.00, and concludes that claimant sustained a loss in that amount within the meaning of Section 503(a) of the Act.

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 the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from August 9, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

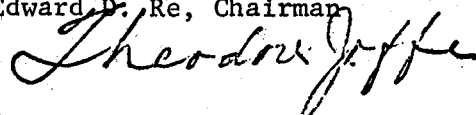
The Commission certifies that DOROTHY G. O'KIEFFE suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Sixteen Thousand Dollars (\$16,000.00) with interest thereon at 6% per annum from August 9, 1961, to the date of settlement.

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

8 JAN 1968



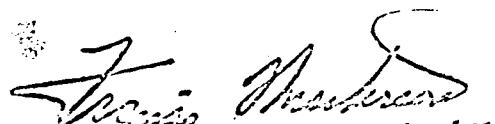
Edward D. Re, Chairman



Theodore Jaffe, Commissioner

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on FEB 6 1968



Clerk of the Commission

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).)