

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

IN THE MATTER OF THE CLAIM OF

BENFORD BARNETT HARRIS

Claim No. CU-1256

Decision No. CU - 388

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 BENFORD BARNETT HARRIS, for \$1,159.04, and is based upon the asserted ownership and loss of a stock interest. Claimant, BENFORD BARNETT HARRIS has been a national of the United States since his birth in the State of Arkansas on September 24, 1928.

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 of 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.

Claimant has based his claim on 3,000 shares of stock in United Cuban Oil, Inc., said to have been purchased on July 6, 1959. In support thereof he has submitted a photocopy of purchase and sales slips reflecting his

purchase from Thomson & McKinnon of 3,000 shares of United Cuban Oil, Inc., on July 6, 1959 and sale by Merrill Lynch, Pierce, Fenner & Smith, Inc., of the same number of shares on December 16, 1963, for the sum of \$25.96. Claimant has not submitted evidence to establish that he retained any interest in a claim for losses of property sustained by that corporation upon the sale of his stock interests in 1963. However, the Commission deems it unnecessary to make a determination of this question since other factors are dispositive of this claim.

Section 502(1) of the Act defines the term "national of the United States" as "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity."

Evidence of record in the claim of United Cuban Oil Inc., on file with the Commission (Foreign Claims Settlement Commission, Claim No. CU-2807) establishes that United Cuban Oil, Inc. qualifies as a national of the United States within the meaning of Section 502(1)(B) of the Act.

Section 505(a) of the Act provides that

A claim under section 503(a) of this title based upon an ownership interest in any corporation, association, or other entity which is a national of the United States shall not be considered . . . .

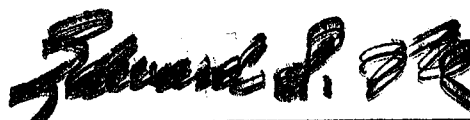
The Commission concludes that since this claim is based on a stock interest in a corporation which qualifies as a United States national,

the Commission is precluded, under Section 505(a) of the Act from considering this claim. Accordingly, it is hereby denied.

The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

OCT 4 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



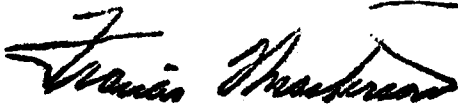
LaVern R. Dilweg, Commissioner

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).)

**CERTIFICATION**

CU-1256

This is a true and correct copy of the decision  
of the Commission which was entered as the final  
decision on 16 NOV 1967



Clerk of the Commission