

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

IN THE MATTER OF THE CLAIM OF

RAYMOND R. GIGNAC, JR.

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1338

Decision No. CU -1451

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 RAYMOND R. GIGNAC, JR., for \$1,886.00 based upon the asserted ownership and loss of personal property. Claimant has been a national of the United States since his 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 resided in Preston, Oriente, Cuba while employed by an American firm at their Cuban office. He asserts that on July 10, 1960, upon instructions from his employer, he went to Camaguey, Cuba, to travel to Miami, Florida. The record includes a list of personal property -- principally electrical appliances and utilities -- which the claimant asserts was confiscated in Cuba sometime after he left. Approximate purchase dates and costs are also included.

In support of his assertions, the claimant has submitted several affidavits relative to the property which he owned and its value, and a series of letters between himself and the company for which he worked. One letter dated August 11, 1960, from his employer, informs the claimant of the Cuban takeover of the Company and of the provisions being made to safeguard his personal belongings. Subsequent letters between the parties indicate that the claimant did not receive all of the personalty which he was forced to leave behind in Cuba. A letter addressed to the claimant and dated August 3, 1961, indicates that the exportation of any and all electrical equipment and silverware was prohibited at the time the claimant left Cuba. Additionally, the record contains a letter dated January 1, 1968 from the claimant's employer, to the Commission, which supports the claimant's position.

The Commission finds that claimant was the owner of certain personal property consisting of furniture, furnishings and personal effects which were located in claimant's home in Preston, Oriente, Cuba.

Law 989, published in the Official Gazette on December 6, 1961, in its terms nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba. The Commission finds that claimant's above described personal property was taken by the Government of Cuba on December 6, 1961. (See In the Matter of the Claim of Floyd W. Auld, FCSC Claim No. CU-0020).

Claimant has supplied a detailed listing of these items of personal property and stated that the total value of such property was \$1,886.00. After consideration of the values ascribed to each item, the Commission finds such amounts to be fair and reasonable values thereof. Accordingly, it is concluded that claimant suffered a loss in the amount of \$1,886.00 within the meaning of Title V of the Act as a result of the taking of his personal property by the Government of Cuba.

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 July 10, 1960, 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 RAYMOND R. GIGNAC, JR., 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 One Thousand Eight Hundred Eighty-Six Dollars (\$1,886.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

APR 10 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

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 MAY 17 1968

*Francis Thaddeus*

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).)