

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

IN THE MATTER OF THE CLAIM OF

ESTHER BRANDON

Claim No. CU - 1378

Decision No. CU - 5973

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

Claimant, ESTHER BRANDON, who owned interests in Proveedora Industrial, S.A., Techo Fresco de Cuba, S.A., and Brandon & Cia., asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said enterprises, and also for personalty lost in Cuba.

In our decision entitled the Claim of Earl Brandon (Claim No. CU-1254 which we incorporate herein by reference), we held that the properties owned by these enterprises were nationalized or otherwise taken by the Government of Cuba on December 5, 1962, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of Proveedora as \$25.5134; the value per share of Techo as \$153.9445 and the net worth of Brandon & Cia. as \$15,084.76.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Brandon decision; that she was an American national at the requisite times; that she has been the owner of 372 shares of stock in Proveedora, of 16 shares of Techo stock and a .375 interest in Brandon & Cia. since prior to December 5, 1962; and that she suffered a loss in the aggregate amount of \$17,610.88 within the meaning of Title V of the Act in respect of these interests.

Claimant has also asserted claim for \$6,150.00 for personalty lost in Cuba. The Commission finds that claimant owned such personalty in Cuba.

On December 6, 1961 the Government of Cuba published its law 989 pursuant to which it confiscated properties of those who left Cuba. The Commission finds that this law applied to claimant and that her personal property was taken on that date. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

The claimant has submitted an inventory of this property with the asserted values, which the Commission finds fair and reasonable. Accordingly, the Commission concludes claimant suffered a loss in the amount of \$6,150.00 on December 6, 1961 by reason of the taking of her personal property on that date.

The Commission has decided that in certifications 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 Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:


<u>FROM</u>	<u>ON</u>
December 6, 1961	\$ 6,150.00
December 5, 1962	<u>17,610.88</u>
	\$23,760.88

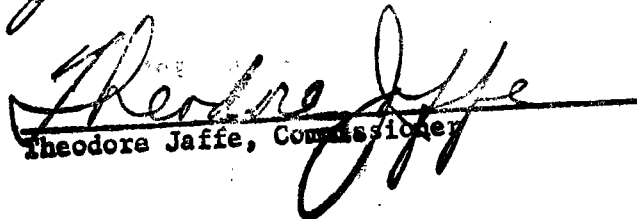
CERTIFICATION OF LOSS

The Commission certifies that ESTHER BRANDON 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 Twenty-Three Thousand Seven Hundred Sixty Dollars and Eighty-Eight Cents (\$23,760.88) with interest at 6% per annum from the aforesaid dates of loss to the date of settlement.

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

NOV 23 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, 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].)