

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

In the Matter of the Claim of

HARRY SCHRAGE  
MORRIS SCHRAGE  
MARTHA MATILDA WIDAWER  
ROBERTA SCHRAGE  
EVA EISENSTEIN

Claim No. CU -1433  
Claim No. CU-1434  
Decision No. CU -0976

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for Claimants:

Buchalter, Nemer, Fields & Savitch  
By Murray M. Fields, Esq.

Petition to reopen; Proposed Decision dated and entered January 17,  
1968; Final Decision entered September 28, 1971.

AMENDED FINAL DECISION

Under date of September 28, 1971, the Commission entered its Final Decision in this claim certifying a loss in favor of HARRY SCHRAGE for his interests in certain Cuban corporations, and further certifying a loss in favor of the Estate of Rasa Schrage, Deceased for the one-half interests of this decedent in the said Cuban corporations and debts thereof. The interests of one Michael Schrage, deceased spouse of the said Rasa Schrage were not certified in the absence of qualifying information.

Additional information and evidence has been received and the Commission finds that the record now establishes that Rasa Schrage and Michael Schrage were naturalized in 1946. Michael Schrage died intestate on June 26, 1960, survived by his spouse and five children, nationals of the United States at all pertinent times, and who inherited his estate. Rasa Schrage filed Claim No. CU-1434 on April 12, 1967. Said Rasa Schrage died testate on March 19, 1968. Her Estate has been administered and closed, the said five children receiving distribution of the residue. Accordingly, the Commission holds that the interests of the aforesaid Rasa Schrage and Michael Schrage in the subject matter of the claim filed by the late Rasa Schrage have passed to the five children, namely, HARRY SCHRAGE, MORRIS SCHRAGE,

MARTHA MATILDA WIDAWEK, ROBERTA SCHRAGE and EVA EISENSTEIN, who are substituted as claimants in place of their parents, now deceased.

The property subject of these claims is described as follows:

Cia. Industrial Cubana de Goma, S.A. (Goma), intervened on

The property subject of these claims is described as follows:

In Cia. Industrial Cubana de Goma, S.A. (Goma)

(Intervened on December 15, 1959)

HARRY SCHRAGE, one share of stock - \$361.17

Michael Schrage and Rasa Schrage - 499 shares  
of stock - \$180,225.82

Michael Schrage and Rasa Schrage - debt due  
from Goma - \$42,556.92

In Cia. Distribuidora del Calzado, S.A. (Calzado)

(Intervened on March 15, 1959)

HARRY SCHRAGE, 150 shares of stock - \$56,317.93

Michael Schrage and Rasa Schrage - 100 shares  
of stock - \$37,545.28

Michael Schrage and Rasa Schrage - debt due  
from Calzado - \$104,082.32

The Commission having found that the interests of Michael Schrage and Rasa Schrage passed to their children in equal shares, the losses of claimants, including the separate interests of HARRY SCHRAGE, are restated as follows:

<u>Claimant</u>	<u>Item</u>	<u>Amount</u>
HARRY SCHRAGE	Goma stock	\$ 36,406.33
	Goma debt	8,511.38
	Calzado stock	63,826.99
	Calzado debt	20,816.46
		<u>\$129,561.16</u>
MORRIS SCHRAGE	Goma stock	\$ 36,045.16
	Goma debt	8,511.38
	Calzado stock	7,509.06
	Calzade debt	20,816.47
		<u>\$ 72,882.07</u>
MARTHA MATILDA WIDAWER	Goma stock	\$ 36,045.16
	Goma debt	8,511.38
	Calzado stock	7,509.06
	Calzado debt	20,816.47
		<u>\$ 72,882.07</u>

<u>Claimant</u>	<u>Item</u>	<u>Amount</u>
ROBERTA SCHRAGE	Goma stock	\$ 36,045.17
	Goma debt	8,511.39
	Calzado stock	7,509.05
	Calzado debt	<u>20,816.46</u>
		\$ 72,882.07
EVA EISENSTEIN	Goma stock	\$ 36,045.17
	Goma debt	8,511.39
	Calzado stock	7,509.05
	Calzado debt	<u>20,816.46</u>
		\$ 72,882.07

The Commission reaffirms its holding that interest shall be allowed, and it is so ordered as follows:

	<u>FROM</u>	<u>ON</u>
HARRY SCHRAGE	March 15, 1959	\$84,643.45
	December 15, 1959	44,917.71
MORRIS SCHRAGE	March 15, 1959	\$28,325.53
	December 15, 1959	44,556.54
MARTHA MATILDA WIDAWER	March 15, 1959	\$28,325.53
	December 15, 1959	44,556.54
ROBERTA SCHRAGE	March 15, 1959	\$28,325.51
	December 15, 1959	44,556.56
EVA EISENSTEIN	March 15, 1959	\$28,325.51
	December 15, 1959	44,556.56

Accordingly, the Certifications of Loss in the aforesaid Final Decision are set aside, the following Certifications of Loss will be entered, and in all other respects the Final Decision is affirmed.

CERTIFICATIONS OF LOSS

The Commission certifies that HARRY SCHRAGE 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 Hundred Twenty-Nine Thousand Five Hundred Sixty-One Dollars and Sixteen Cents (\$129,561.16) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

The Commission certifies that MORRIS SCHRAGE 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 Seventy-Two Thousand Eight Hundred Eighty-Two Dollars and Seven Cents (\$72,882.07) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

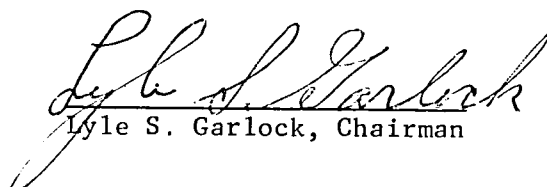
The Commission certifies that MARTHA MATILDA WIDAWER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-Two Thousand Eight Hundred Eighty-Two Dollars and Seven Cents (\$72,882.07) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

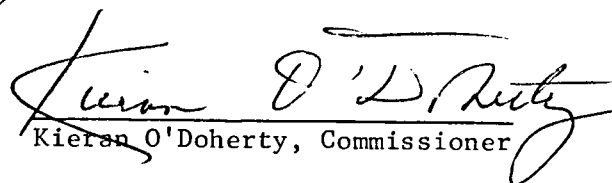
The Commission certifies that ROBERTA SCHRAGE suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-Two Thousand Eight Hundred Eighty-Two Dollars and Seven Cents (\$72,882.07) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

The Commission certifies that EVA EISENSTEIN 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 Seventy-Two Thousand Eight Hundred Eighty-Two Dollars and Seven Cents (\$72,882.07) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

JUN 30 1972

  
Lyle S. Garlock, Chairman

  
Kieran O'Doherty, 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 or 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.

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

IN THE MATTER OF THE CLAIM OF

HARRY SCHRAGE  
and  
Estate of RASA SCHRAGE, Deceased

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1433  
Claim No. CU -1434

Decision No. CU-0976

Counsel for claimants:

Buchalter, Nemer, Fields  
& Savitch  
By Murray M. Fields, Esq.

Appeal and objections from a Proposed Decision entered on January 17, 1968. Oral hearing was scheduled for September 9, 1971 at 10:00 A.M. at the offices of the Commission, 1111 - 20th Street, N.W., Washington, D.C., with due notice thereof given to counsel for claimants. No request for continuance was made and claimants failed to appear in person or by attorney at the scheduled time.

FINAL DECISION

Under date of January 17, 1968, the Commission issued its Proposed Decision denying these claims for lack of proof. By letter of May 6, 1971, counsel for the original claimants advised that RASA SCHRAGE died after filing her claim and that her will had been admitted to probate. In the absence of evidence establishing the identity of the deceased's legal representative, the Estate of RASA SCHRAGE has been substituted as party claimant in place of the deceased. (FCSC Reg., 45 C.F.R. §531.5 (j) (1970).)

Subsequent to the issuance of the Proposed Decision; counsel for claimants submitted evidence in support of these claims. Upon consideration of the new evidence in light of the entire record, including the record in the related Claim of Estate of David Schrage, Deceased and Riva Schrage, Claim No. CU-0761, the Commission makes the following findings:

Goma

On the basis of stock certificates, the Commission finds that HARRY SCHRAGE and the late RASA SCHRAGE, his mother, owned 1 share and 499 shares of stock, respectively, in Compania Industrial Cubana de Goma, S.A. (Goma),

a Cuban corporation, such stock interests being equivalent to a 50% interest in the aggregate.

The record shows that HARRY SCHRAGE was not married at the time he acquired his stock interest. However, RASA SCHRAGE was married to Michael Schrage at the time she acquired her stock interest. Pursuant to the community property laws of Cuba, Michael Schrage acquired a 1/2 interest in his wife's properties. (See Claim of Robert L. Cheaney, et ux., Claim No. CU-0915.) By letter of August 10, 1971 counsel informed the Commission that Michael Schrage died in 1960, a date subsequent to the dates of loss applicable herein as noted below.

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.

Since the record fails to establish that Michael Schrage was a United States national at all pertinent times, the portion of Claim No. CU-1434 based on a 1/2 interest in the said 499 shares of stock in Goma is denied. (See Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann. Rep. 45 [July-Dec. 1966].)

In the related Claim No. CU-0761, the Commission found that Goma was intervened by the Government of Cuba on December 17, 1959 and that its net worth on the date of loss was \$361,173.98. Since Goma had 1,000 shares of outstanding capital stock on the date of loss, each share of stock had a value of \$361.17398. Therefore the value of HARRY SCHRAGE's stock interest was \$361.17 and the value of RASA SCHRAGE's 1/2 interest in the 499 shares of stock was \$90,112.91.

The record shows that on the date of loss Goma owed Michael Schrage and RASA SCHRAGE debts aggregating \$42,556.91. As already noted, RASA SCHRAGE owned a 1/2 interest therein amounting to \$21,278.46. Pursuant to the express provisions of Section 504(a) of the Act, Michael Schrage's 1/2 share thereof

cannot be allowed on the basis of the present record. The Commission has held that debts of intervened Cuban corporations are within the purview of Title V of the Act. (See Claim of Kramer, Marx, Greenlee & Backus, Claim No. CU-0105, 25 FCSC Semiann. Rep. 62 [July-Dec. 1966].) The Commission therefore finds that the late RASA SCHRAGE sustained a loss on December 17, 1959 in the amount of \$21,278.46.

Calzado

On the basis of stock certificates, the Commission finds HARRY SCHRAGE and the late RASA SCHRAGE owned 150 shares and 100 shares of stock, respectively, in Compania Distribuidora del Calzado, S.A. (Calzado), a Cuban corporation, such stock interests being equivalent to a 50% interest in the aggregate. For the reasons previously stated, Michael Schrage's 1/2 interest in the 100 shares of stock in Calzado acquired by the late RASA SCHRAGE cannot be allowed.

In the related Claim No. CU-0761, the Commission found that Calzado was intervened by the Government of Cuba on March 15, 1959 and that its net worth on the date of loss was \$187,726.44. Since Calzado had 500 shares of outstanding capital stock on the date of loss, each share of stock had a value of \$375.45288. Therefore the value of HARRY SCHRAGE's stock interest was \$56,317.93, and the value of RASA SCHRAGE's 1/2 interest in the 100 shares of stock was \$18,772.64.

The record shows that Calzado owed a debt of \$104,082.31 to "Credit Stockholders", which is being claimed as a debt due to the late RASA SCHRAGE in Claim No. CU-1434. Inasmuch as all the stockholders of Calzado are before the Commission in this proceeding and the fact is that only one of the stockholders is claiming that whole amount, the Commission finds in the absence of evidence to the contrary that the debt was owed to the late RASA SCHRAGE. For the reasons previously stated, Michael Schrage's 1/2 share thereof cannot be allowed. Therefore the Commission finds that the late RASA SCHRAGE sustained a loss of \$52,041.16 on March 15, 1959 in connection with this debt.



Recapitulation

Claimants' losses are summarized as follows:

<u>Item of Property</u>	<u>Date of Loss</u>	<u>Amount</u>
<u>HARRY SCHRAGE - Claim No. CU-1433</u>		
Goma	December 17, 1959	\$ 361.17
Calzado	March 15, 1959	<u>56,317.93</u>
	Total	<u>\$56,679.10</u>

Estate of RASA SCHRAGE, Deceased-Claim No. CU-1434

Goma	December 17, 1959	\$ 90,112.91
Debt due from Goma	December 17, 1959	21,278.46
Calzado	March 15, 1959	18,772.64
Debt due from Calzado	March 15, 1959	<u>52,041.16</u>
	Total	<u>\$182,205.17</u>

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>
<u>HARRY SCHRAGE - Claim No. CU-1433</u>	
March 15, 1959	\$56,317.93
December 17, 1959	<u>361.17</u>
Total	<u>\$56,679.10</u>
<u>Estate of RASA SCHRAGE, Deceased-Claim No. CU-1434</u>	
March 15, 1959	\$ 70,813.80
December 17, 1959	<u>111,391.37</u>
Total	<u>\$182,205.17</u>

It may be noted, however, that upon receipt of evidence warranting a change in these matters the Commission will reopen the matter provided, however, that such evidence is received by May 1, 1972, affording time for consideration prior to the close of the program on June 30, 1972.

Accordingly, the following Certifications of Loss will be entered and in all other respects the Proposed Decision of January 17, 1968 is affirmed.

CERTIFICATIONS OF LOSS


The Commission certifies that HARRY SCHRAGE 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 Fifty-six Thousand Six Hundred Seventy-nine Dollars and Ten Cents (\$56,679.10) with interest at 6% per annum from the respective dates of loss to the date of settlement; and

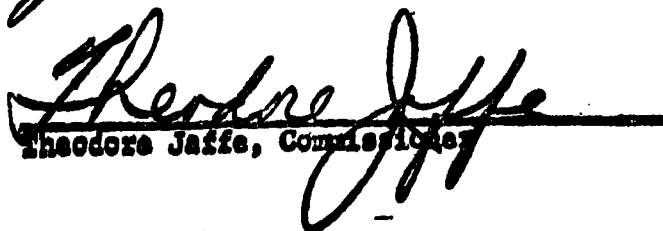
CU-1433  
CU-1434

The Commission certifies that the Estate of RASA SCHRAGE, Deceased, 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 Hundred Eighty-two Thousand Two Hundred Five Dollars and Seventeen Cents (\$182,205.17) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

SEP 28 1971

  
Lyle S. Carlock, 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 or 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.

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

IN THE MATTER OF THE CLAIM OF

HARRY SCHRAGE  
RASA SCHRAGE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1433  
Claim No. CU -1434

Decision No. CU-

978

Counsel for claimant:

Murray M. Fields, Esq.

PROPOSED DECISION

These claims against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the total amount of \$615,752.31, were presented by HARRY SCHRAGE and RASA SCHRAGE, and are based upon the asserted loss of stock interests in two Cuban corporations; losses of debts owed by said Cuban corporation to claimants; and losses of unimproved real property and personal property. Claimants HARRY SCHRAGE and RASA SCHRAGE state that they have been nationals of the United States since their naturalization on March 18, 1955 and September 5, 1946, respectively.

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.

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.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

With respect to the portions of these claims which are based upon stock interests, claimants have submitted stock certificates evidencing their ownership of shares in Compania Industrial Cubana de Goma, S. A. and in Compania Distribuidora de Calzado, S. A. However, no evidence has been submitted to establish the value of the Cuban companies on the dates of their asserted nationalization by the Government of Cuba. Additionally, no evidence has been submitted in support of the other portions of these claims, other than claimants' own statements as set forth in the claim forms filed on April 12, 1967.

By Commission letter of June 20, 1967, claimants were advised as to the type of additional evidence proper for submission to establish these claims under the Act. However, no reply was received either from counsel or from the claimants. Subsequently, by Commission letter of September 7, 1967, claimant HARRY SCHRAGE was invited to submit any evidence available to him

in support of both claims within 45 days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claims on the basis of the existing records. Finally, by Commission letter of December 19, 1967, counsel was advised that the previously requested evidence should be submitted within 20 days of the date of the Commission's letter. No evidence has been submitted in reply to the Commission's requests.

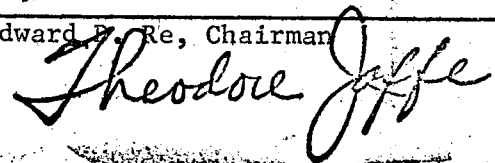
The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, these claims are denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claims.

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

JAN 17 1968



Edward P. Re, Chairman



Theodore Jaffe, 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).)

CU-1433  
CU-1434