

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

IN THE MATTER OF THE CLAIM OF

PHYLLIS HOCHBAUM, ADMINISTRATRIX OF THE
ESTATE OF JOSEPH HOCHBAUM, DECEASED

Claim No. CU -1463

Decision No. CU -142

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Joseph B. Meranze, Esq.

Appeal and objections from a Proposed Decision entered July 26, 1967;
No oral hearing requested; Hearing on the record.

Hearing on the record held on September 20, 1967.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on July 26, 1967, denying the claim on the ground that since it was based upon a stock interest in a corporation which qualifies as a United States national, Section 505(a) of the Act precludes the Commission from further considering it.

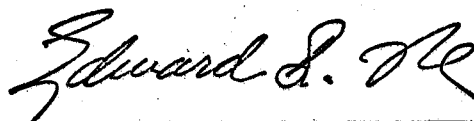
Full consideration having been given to the objections of the claimant, and the entire record, including claimant's objections,

having been reviewed, and general notice of the Proposed Decision having been given by posting for 30 days, it is

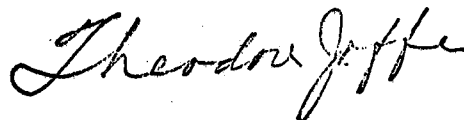
ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim.

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

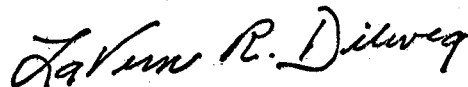
OCT 4 1967



Edward D. Re, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
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IN THE MATTER OF THE CLAIM OF

PHYLLIS HOCHBAUM, ADMINISTRATRIX of the
Estate of Joseph Hochbaum, Deceased

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 1463

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Counsel for claimant:

Joseph B. Meranze, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$100.00, was presented by PHYLLIS HOCHBAUM, ADMINISTRATRIX of the Estate of Joseph Hochbaum, Deceased, based upon the asserted ownership and loss of a stock interest. Phyllis Hochbaum states that the deceased Joseph Hochbaum had been a national of the United States since his birth on May 29, 1917, in Philadelphia, Pennsylvania.

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 this claim on 1000 shares of United Cuban Oil, Inc., a Delaware Corporation.

Section 502(1) of the Act defines the term "national of the United States" as "(B) a corporation of 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."

The record in the Claim of United Cuban Oil, Inc., on file with the Commission, (FCSC Claim No. CU-2807), establishes that the claimant corporation qualifies as a United States national within the meaning of Section 502(1)(B) of the Act.

Section 505(a) of the Act provides that

A claim under section 502(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.

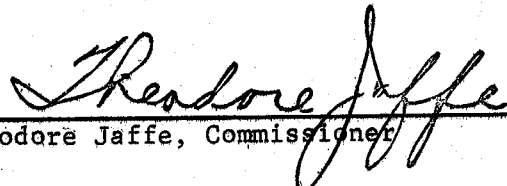
The Commission concludes that since this claim is based on a stock interest in a corporation which qualifies as a United States national, the Commission is precluded, under Section 505(a) of the Act from considering this claim. Accordingly, it is hereby denied. (See the Claim of Mary F. Sonnenberg, FCSC Claim No. CU -0014).

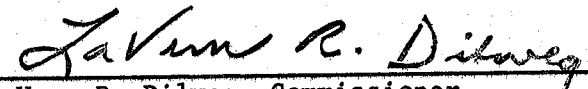
The Commission deems it unnecessary to make specific findings with respect to other elements of this claim.

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

JUL 26 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).)