

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

IN THE MATTER OF THE CLAIM OF

BRUCE BUTTLES

Claim No. CU -1543

Decision No. CU -1870

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

Ralph L. Bailey, Esquire

AMENDED PROPOSED DECISION

Under date of May 15, 1968 this claim was denied for failure to sustain the burden of proof. Subsequently, additional supporting evidence was submitted. Upon consideration of the entire record it is

ORDERED that the Proposed Decision be and it is hereby amended.

Claimant, BRUCE BUTTLES, who owned a stock interest in the Graphic Arts Supply Company, asserted 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 Company.

In our decision entitled the Claim of Leonard E. Echols (Claim No. CU-3796 which we incorporate herein by reference), we held that the properties owned by the Company were intervened or otherwise taken by the Government of Cuba on August 8, 1961, 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 \$164.2435.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Echols decision; that he was an American national at the requisite times; that he has been the owner of ten shares of stock in the Cia. Azucarera Vertientes-Camaguey de Cuba since prior to August 8, 1961; and that he suffered a loss in the amount of \$1,642.44 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 8, 1961, the date

of loss, to the date on which provisions are made for the settlement thereof. (See Echols, supra.)


Accordingly, the following certification of loss will be entered and in all other respects the Proposed Decision is affirmed.

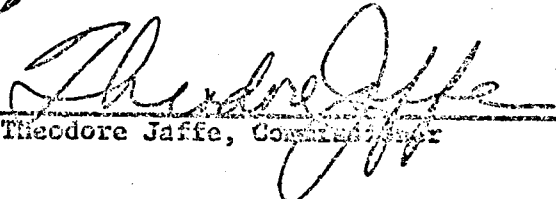
CERTIFICATION OF LOSS

The Commission certifies that BRUCE BUTTLES 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 Six Hundred Forty-Two Dollars and Forty-Four Cents (\$1,642.44) with interest at 6% per annum from August 8, 1961, to the date of settlement.

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

1 APR 1970


Lytle S. Carlcock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, 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.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Amended 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., 48 C.F.R. 531.5(c) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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

IN THE MATTER OF THE CLAIM OF

BRUCE BUTTLES

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-1543

Decision No. CU 1870

Counsel for claimant:

Ralph L. Bailey, Esquire

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$2,000.00, was presented by BRUCE BUTTLES and is based upon the asserted loss of stock interests in Graphic Arts Supply Company of Cuba. Claimant stated that he has been a national of the United States since 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.

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).)

Claimant asserts the ownership of certain stock interests in Graphic Arts Supply Company of Cuba. By Commission letter of June 22, 1967, claimant was advised, through counsel, as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of September 26, 1967, claimant asked if the June 22, 1967 letter related to his personal claim or to other stockholders as a group. By letter of September 29, 1967 claimant was advised that the June 22, 1967 letter applied to his claim and that a determination would be made based upon the record as then constituted if the suggested evidence was not received within 30 days from the date of the letter. The claimant replied by letter of October 3, 1967 suggesting that his claim be accepted subject to the production of the suggested evidence at some future date. By letter of October 4, 1967 the Commission advised counsel, with a copy to the claimant, that it was not in a position to hold the claim open indefinitely and

that if the suggested evidence was not received by January 10, 1968, a determination would be made based upon the record as then constituted. No reply has been received.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

MAY 15 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

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).)

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