

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

IN THE MATTER OF THE CLAIM OF

LUCILLE A. HASKINS

MERLE H. HASKINS

Claim No. CU-1544

Decision No. CU 4491

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

Claimants, LUCILLE A. HASKINS and MERLE H. HASKINS, who owned common stock interests in the Havana Lithographing Company, and in the Trans-Cuba Oil Company, assert 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 Companies.

In our decisions entitled the Claim of Central West Company (Claim No. CU-3440) and Claim of D. R. Wimberly (Claim No. CU-3417) which we incorporate herein by reference, we held that the properties owned by the Havana Lithographing Company were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and the properties owned or controlled by Trans-Cuba Oil Company were nationalized or otherwise taken by the Government of Cuba on November 23, 1959; and that these types of claims are compensable to American nationals 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 common stock share of Havana Lithographing as \$2.51 and the value per share of Trans-Cuba Oil as \$0.1198.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Central West decision; and that they were American nationals at the requisite times.

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.

Section 507 of the Act provides, as to assignment of claims, that

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

On the basis of evidence of record, the Commission finds that claimants acquired shares of stock as follows:

		<u>For</u>
April 28, 1961	400 Trans-Cuba	\$108.00
December 11, 1961	100 Havana Lithographing	46.38
December 12, 1961	900 Havana Lithographing	411.75
February 12, 1962	300 Havana Lithographing	137.25
February 16, 1962	200 Havana Lithographing	92.75
February 20, 1962	100 Havana Lithographing	44.50
April 23, 1962	100 Havana Lithographing	39.75
April 24, 1962	200 Havana Lithographing	78.75
April 30, 1962	700 Havana Lithographing	276.50

Under the provisions of Section 504(a) of the Act, a claimant is required to establish that the claim for any loss has been continuously owned by a national or nationals of the United States from the date of loss to the date of filing with the Commission. The loss as to Trans-Cuba occurred on November 23, 1959 and as to Havana Lithographing on October 13, 1960. In similar cases claimants have been unable to obtain information or evidence to establish the nationality of the owner of the securities on the date of loss, and to establish continuous United States ownership of the securities until the date on which claimant acquired them.

Evidence of record before the Commission discloses that securities of the type subject of this claim were almost entirely owned and traded by persons or firms having addresses in the United States. The Commission has considered whether an inference may be justified that the claimed securities were continuously owned by a national or nationals of the United States from the dates of loss to the dates on which purchased by the claimants, and, in the absence of evidence to the contrary, has concluded that the securities were continuously so owned. (See Claim of the Executors of the Estate of Julius S. Wikler, Deceased, Claim No. CU-2571.)

The Commission finds that claimants, as assignees by purchase, acquired the claims for the losses sustained by the assignors of the claimed securities, but under the limitations provided in Section 507 of the Act (supra), are limited to the actual consideration paid for the Havana Lithographing shares, and to the value on the date of loss as to the Trans-Cuba shares.

The Commission has decided that in certification 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 the Claim of Lisle Corporation, FCSC Claim No. CU-0644.)

The Commission concludes, however, that the amount of loss sustained by claimants herein shall be increased by interest thereon at the rate of 6% per annum from the dates below, the dates on which claimants acquired this claim, to the date on which provisions are made for the settlement thereof:

CU-1544

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).)

<u>From</u>		<u>On</u>
April 28, 1961	\$	47.92
December 11, 1961		46.38
December 12, 1961		411.75
February 12, 1962		137.25
February 16, 1962		92.75
February 20, 1962		44.50
April 23, 1962		39.75
April 24, 1962		78.75
April 30, 1962		276.50
	\$	<u>1,175.55</u>

CERTIFICATION OF LOSS

The Commission certifies that LUCILLE A. HASKINS and MERLE H. HASKINS succeeded to and 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 One Hundred Seventy-five Dollars and Fifty-five Cents (\$1,175.55) with interest at 6% per annum from the aforesaid dates to the date of settlement.

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

12 FEB 1970

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Treidberg

Sidney Treidberg, 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 claimants establish retention of the securities for the loss here certified.