

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

IN THE MATTER OF THE CLAIM OF

ABBE GURINSKY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1546

Decision No. CU 4943

Counsel for claimant:

Herbert Levin, Esq.

PROPOSED DECISION

Claimant, ABBE GURINSKY, who owned 700 units of a participation interest in the Cuban Venezuelan Oil Voting Trust, 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 Trust.

In our decision entitled the Claim of Felix Heyman (Claim No. CU-0412 which we incorporate herein by reference), we held that the properties owned or controlled by the Trust were nationalized or otherwise taken by the Government of Cuba on November 23, 1959, 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 unit of \$0.11971.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Heyman decision; that he was an American national at the requisite times; that he has been the owner of 200 units of participation in the Cuban Venezuelan Oil Voting Trust since prior to November 23, 1959; and that he suffered a loss in the amount of \$23.94 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 November 23, 1959, the date of loss, to the date on which provisions are made for the settlement thereof. (See Heyman, supra.)

With regard to the remaining portion of this claim based on claimant's ownership of 500 units of a participation interest in the Cuban Venezuelan Oil Voting Trust, claimant has submitted a stock certificate for 500 shares which was issued to one Frank J. Kellegher on July 22, 1964. If claimant purchased these shares subsequent to November 23, 1959, the provisions of Section 507 of the Act require that he establish the actual consideration paid.

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.

By Commission letter of November 20, 1968, claimant was asked to furnish the date of purchase and the amount paid for his interest. No reply was received to this letter. Counsel, on January 16, 1969, was sent a copy of this letter and asked for his cooperation. No reply was received to this letter or to follow-up letters of July 31, 1969 and November 4, 1969.

On December 30, 1969, claimant was sent copies of the letters addressed to counsel and was asked to inform the Commission if counsel still represented him. No reply was received to this letter or to a follow-up letter of April 1, 1970 in which he was asked to advise the Commission within ten days if he intended to pursue this claim.


In view of the above, the portion of this claim based on claimant's ownership of 500 units of a participation interest in the Cuban Venezuelan Oil Voting Trust is denied for failure of proof.

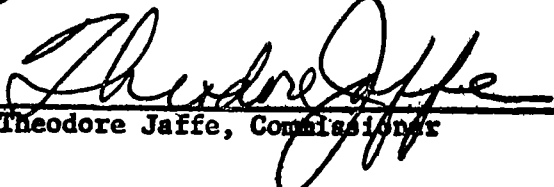
CERTIFICATION OF LOSS

The Commission certifies that ABBE GURINSKY 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 Dollars and Ninety-four Cents (\$23.94) with interest thereon at 6% per annum from November 23, 1959 to the date of settlement.

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

JUN 3 1970


Lyle S. Garlock, 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 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).)

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

IN THE MATTER OF THE CLAIM OF

ERNEST M. LITRENTA
and
GILDA F. LITRENTA

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -1456

Decision No. CU 4944

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by ERNEST M. LITRENTA and GILDA F. LITRENTA for \$57,439.66 based upon the asserted ownership and loss of real and personal property in Cuba. Claimant ERNEST M. LITRENTA has been a national of the United States since birth and claimant GILDA F. LITRENTA states that she has been a national of the United States since her naturalization on April 29, 1966.

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.

Claim is made herein for the loss of the following property:

1. Sanatorio Iruretagoyena, Avenue 69 No. 15202, Marianao, Havana, Cuba;
2. Land and building at San Lazaro No. 609, Havana, Cuba;
3. Apartment 302, Las Terrazas, Playa St. Maria del Mar, Havana, Cuba;
4. La Loma farm, St. Maria del Rosario, Havana, Cuba; and
5. Lot 91, La Corniza, St. Maria del Mar, Havana.

According to the evidence of record, the above-described properties were owned by Carmen Bosch Garcia, mother of GILDA F. LITRENTA, who died in Cuba on March 16, 1931 survived by her husband and three daughters, including the claimant. Inasmuch as GILDA F. LITRENTA inherited her interest in the claimed property, it was not subject to the community property laws of Cuba and no interest was conveyed or otherwise obtained by ERNEST M. LITRENTA. Accordingly, since he has not established an ownership interest in the claimed property, his claim therefor must be and hereby is denied.

Claimants state that the items claimed were taken by the Government of Cuba in 1960 under Cuban Reform Laws, at which time the owner of record, GILDA F. LITRENTA, was not a national of the United States.

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 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural persons who is a citizen of the United States, . . . The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking. Since GILDA F. LITRENTA is stated to have become a national of the United States on April 29, 1966, it is clear that her claim was not owned by a United States national on the date of nationalization or other taking.


Accordingly, the Commission concludes that this claim is not valid under Title V of the Act in that it was not owned by a national of the United States on the date of loss and therefore it is denied.


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

JUN 3 1970


Lyda S. Carlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, 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).)