

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

IN THE MATTER OF THE CLAIM OF

SYLVIA KLEIN TELSON

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1587

Decision No. CU 4476

PROPOSED DECISION

Claimant, SYLVIA KLEIN TELSON, who owned a stock interest in Encaje Cubano, S.A., and an interest in a partnership, Telson & Cia., as well as certain personalty, asserts a claim in the amount of \$119,000.00 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 decision entitled the Claim of Abraham Shaffir and Yetta Shaffir, (Claim No. CU-2329 which we incorporate herein by reference), we held that the properties owned by the Company and partnership were nationalized or otherwise taken by the Government of Cuba on December 5, 1962 and October 11, 1961, respectively, 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 Encaje Cubano, S.A. as \$101.4474 and the value of a 50% interest in Telson & Cia. as \$99,102.54.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Shaffir decision; that she was an American national at the requisite times; that she has been the joint owner of 100 shares of stock in Encaje Cubano, S.A. and the joint owner of a one-half interest in the partnership Telson & Cia., since prior to October 11, 1961; and that she suffered a loss in the amount

of \$5,072.37 for her stock interest and \$49,551.27 for her partnership interest within the meaning of Title V of the Act.

Personal Property

Claimant further states that she lost an interest in personal property consisting of oil paintings, silverware and other personal effects totalling approximately \$15,000.00. She states that under Cuban law she had the sole interest. However, the Commission finds that her interest was one-half under the Cuban community property law. In support of this item, claimant submitted an affidavit listing the approximate dates of purchase and cost of each item.

On December 6, 1961, the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

Based on the entire record, the Commission finds that claimant SYLVIA KLEIN TELSON'S one-half interest in the personal property, including oil paintings and silverware, was taken by the Government of Cuba on December 6, 1961.

In arriving at the value of the personal property consideration was given to the affidavit of SYLVIA KLEIN TELSON. Each item was depreciated 5% for each year from the approximate dates of purchase but not exceeding a total of 50% if the item was purchased over ten years prior to the date of loss, with the exception of the oil paintings and silverware which were not depreciated. The Commission finds that at the time of loss the aggregate value of the personal property amounted to \$10,773.00 and that claimant SYLVIA KLEIN TELSON suffered a loss in the amount of \$5,386.50 within the meaning of Title V of the Act, as the result of the taking of the personal property by the Government of Cuba on December 6, 1961.

The Commission has decided that in certification of losses 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>
October 11, 1961	\$49,551.27
December 6, 1961	5,386.50
December 5, 1962	<u>5,072.37</u>
	\$60,010.14

CERTIFICATION OF LOSS

The Commission certifies that SYLVIA KLEIN TELSON 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 Sixty Thousand Ten Dollars and Fourteen Cents (\$60,010.14) 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 Proposed  
Decision of the Commission

5 FEB 1970

*Theodore Jaffe*

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Theodore Jaffe, Commissioner

*Sidney Freidberg*

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Sidney Freidberg, Commissioner

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).)

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