

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

IN THE MATTER OF THE CLAIM OF

SAMUEL R. MOZES
AND
JANINE S. MOZES

Claim No. CU-1722

Decision No. CU 2866

Under the International Claims Settlement
Act of 1949, as amended

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 SAMUEL R. MOZES and JANINE S. MOZES and is based upon the asserted loss sustained in connection with the ownership of a participation interest in the Cuban Venezuelan Oil Voting Trust. Claimants have been nationals of the United States since their respective naturalizations prior to November 23, 1959.

As is fully set forth in the original decision involving the Cuban Venezuelan Oil Voting Trust (See Claim of Felix Heyman, Claim No. CU-0412 which is hereby incorporated herein and made a part thereof by reference), this type of claim for loss of a stock ownership is compensable under the conditions and facts set forth in Heyman. There is no need to again detail herein the reasons for such a determination or the method arrived at in determining the value per unit of participation which comes to \$0.11971 per unit.

On the basis of the evidence of record, the Commission finds that claimant SAMUEL R. MOZES and his father Mendel M. Mozes, a national of the United States since his naturalization in 1948, jointly owned 100 units of participation in the Cuban Venezuelan Oil Voting Trust (hereafter referred to as the "Trust"). Claimant SAMUEL R. MOZES and his father acquired the participation units in question prior to November 23, 1959. Mendel M. Mozes died on March 3, 1966, and the joint account became the sole property of claimant SAMUEL R. MOZES. Subsequently, the participation units were transferred to the joint account of SAMUEL R. MOZES and JANINE S. MOZES. The participation units in question are represented by Certificate No. NY43671.

On the basis of evidence of record, in the instant case the Commission finds that claimants are, and since prior to November 23, 1959, have been the owners of 100 units of participation in the Cuban Venezuelan Oil Voting Trust and have suffered a loss in the amount of \$11.97 within the meaning of Title V of the Act, when the properties owned or controlled by the Trust were nationalized or otherwise taken by the Government of Cuba on November 23, 1959.

The Commission also concludes 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).

CERTIFICATION OF LOSS

The Commission certifies that SAMUEL R. MOZES and JANINE S. MOZES jointly 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 Eleven Dollars and Ninety-Seven Cents \$ 11.97) with interest 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

AUG 21 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Feinberg

Sidney Feinberg, 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 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(a) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)