

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

IN THE MATTER OF THE CLAIM OF

IRIS SCHNITZER SPIL

Claim No. CU-1768

Decision No. CU 6060

**Under the International Claims Settlement
Act of 1949, as amended**

Counsel for Claimant: Grier, Parker, Poe, Thompson, Bernstein, Gage & Preston
By W. Samuel Woodard, Esq.

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 IRIS SCHNITZER SPIL for \$44,744.63 based upon the asserted ownership and loss of a 1/2 interest in a jewelry store and certain household furnishings in Havana, Cuba. Claimant 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.

Claimant, IRIS SCHNITZER SPIL, describes her loss as follows:

| | |
|---------------------------------|-----------------|
| 1/2 interest in a jewelry store | \$38,004.63 |
| Household furnishings | <u>6,740.00</u> |
| | \$44,744.63 |

On the basis of the evidence of record, including affidavits, excerpts from the Cuban Official Gazette and Internal Revenue Service return submitted by claimant, the Commission finds that claimant and her spouse owned a jewelry store in Havana and the furnishings of an apartment.

Further, the Commission finds that pursuant to the community property law of Cuba claimant and her spouse each had a one half interest therein. Claimant's spouse, Samuel Spil is not a United States national.

The Commission further finds that the household goods were taken by the Government of Cuba on May 15, 1961, when Samuel Spil left Cuba, claimant having left on January 6, 1961. The store was intervened by the Government of Cuba on December 27, 1961. Based on the record including a statement of condition for the store as of May 15, 1961, as well as the aforesaid Internal Revenue Service, and 1960 reports to the American Embassy in Cuba, the Commission finds that on the date of loss the store had a net value of \$76,009.27 and claimant suffered a loss of \$38,004.63 in that connection.

The record includes a list of personalty including a 1955 Pontiac, all valued by claimant at \$6,740, as well as affidavits of persons having knowledge of the apartment furnishings. Those were purchased between 1957 and 1959 when claimants refurnished their apartment. After application of appropriate depreciation, the Commission finds that on the date of loss the personalty including the automobile had a value of \$5,029 and claimant suffered a loss of \$2,514.50 in this connection.

The Commission has decided that in certifications 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 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> |
|-------------------|------------------|
| May 15, 1961 | \$ 2,514.50 |
| December 27, 1961 | <u>38,004.63</u> |
| | \$40,519.13 |

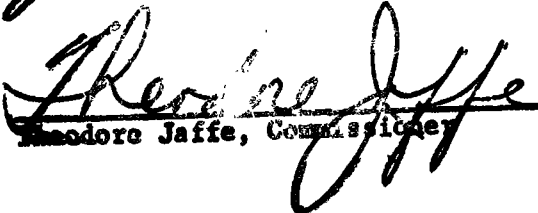
CERTIFICATION OF LOSS

The Commission certifies that IRIS SCHNITZER SPIL 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 Forty Thousand Five Hundred Nineteen Dollars and Thirteen Cents (\$40,519.13) 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

FEB 11 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, 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.

TICE: 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. 1.5(e) and (g), as amended (1970).)