

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

IN THE MATTER OF THE CLAIM OF

WELDON FARM PRODUCTS, INC.

Claim No. CU -2147

Decision No. CU - 1906

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 WELDON FARM PRODUCTS, INC. for \$10,256.73, and is based upon the asserted ownership and loss of personal property.

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.

Section 502(1)(B) of the Act defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

An officer of WELDON FARM PRODUCTS, INC. has certified that claimant is a New York corporation and that at all times pertinent to this claim, more than 50% of the stock of WELDON FARM PRODUCTS, INC. has been owned by nationals of the United States. The Commission holds that WELDON FARM PRODUCTS, INC. is a national of the United States within the meaning of Section 502(1)(B) of the Act.

An officer of WELDON FARM PRODUCTS, INC. further certifies, and the evidence of record discloses, that all of its stock is held by two shareholders of record, both of whom are nationals of the United States.

Claimant contends that it owned certain personal property consisting of 1,601 cases of powdered milk stored in a warehouse of Cuban Warehouse Corporation, Havana, Cuba (Compania Cubana de Almacenes). In support of its contentions, claimant has submitted a Certificate of Deposit, a warehouse statement and a storage bill, from the Cuban Warehouse Corporation showing the above cases on deposit as of July 10, 1959.

On September 13, 1961, the Cuban Government published Acta No. VII, pursuant to Law 890 of October 13, 1960, which nationalized the Cuban Warehouse Corporation (Cia. Cubana de Almacenes). Claimant states that

it has not received any payment for the subject merchandise, and that possession of the said property has not been restored.

The Commission finds, in the absence of evidence to the contrary, that the subject personal property was taken by the Government of Cuba on September 13, 1961, the date on which the Cuban Warehouse Corporation was nationalized.

Based on the entire record, the Commission finds that the personal property had a value of \$10,256.73. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$10,256.73 within the meaning of Title V of the Act.

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.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from September 13, 1961, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that WELDON FARM PRODUCTS, INC. 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 Ten Thousand Two Hundred Fifty-Six Dollars and Seventy-Three Cents (\$10,256.73) with interest thereon at 6% per annum from September 13, 1961 to the date of settlement.

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

MAY 29 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

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.

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).)