

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

IN THE MATTER OF THE CLAIM OF

LILA P. ESTRADA  
PAUL P. ESTRADA

Claim No. CU-2481

Decision No. CU

3003

Under the International Claims Settlement  
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by LILA P. ESTRADA and PAUL P. ESTRADA, and is based upon the asserted loss sustained in connection with their ownership interests in personal property. Claimant, PAUL P. ESTRADA, has been a citizen of the United States since birth. Claimant, LILA P. ESTRADA, on December 29, 1967 had initiated steps to become a national of the United States.

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 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.

Claimants assert that they each owned a one-half interest in certain personal effects, including household furnishings, clothing and an automobile that were intervened by representatives of the Government of Cuba in November 1961. Claimants have submitted, among other things, affidavits of Teresa Manso Ulabarro, Angela S. Peraza and Lilia S. Alvarez, as well as an itemized list of their personal effects, including dates of purchase and the approximate price paid for each item.

On the basis of the entire record, the Commission finds that claimants, PAUL P. ESTRADA and LILA P. ESTRADA, each owned a one-half interest in certain personal effects, including household furnishings, clothing and a 1951 Oldsmobile 98.

On or about November 1, 1961 agents of the Urban Reform Commission entered the apartment where the personalty was located and removed it in trucks, and taking the automobile. Consequently, in the absence of evidence to the contrary the Commission finds that the personalty was taken by the Government of Cuba on November 1, 1961.

However, that portion of the claim that is based upon claimant, LILA P. ESTRADA's interest in the personal effects is hereby denied for the reason that she was not a national of the United States on the date of loss and on the date of filing this claim as prescribed by Section 504 of the International Claims Settlement Act of 1949, as amended, supra.

In arriving at the value of the personal effects including household furnishings, clothing and automobile, the Commission gave consideration to claimants' itemized list including dates of purchase and the amounts paid by claimants for each item. The Commission also considered evidence

of record available to the Commission concerning depreciation of such personal property and the value of similar items located in Havana, Cuba. Based on the entire record, the Commission finds that the value of the personal effects at the time of loss amounted to \$6,035.19; and that the one-half ownership interest of claimant, PAUL P. ESTRADA, amounted to \$3,017.60.

Accordingly, in the instant claim, the Commission finds that claimant, PAUL P. ESTRADA, suffered a loss in the amount of \$3,017.60 within the meaning of Title V of the Act, as a result of the taking of the personal effects by the Government of Cuba on November 1, 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.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimant, PAUL P. ESTRADA, shall be increased by interest thereon at the rate of 6% per annum on \$3,017.60 from November 1, 1961 to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that PAUL P. ESTRADA 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 Three Thousand Seventeen Dollars and Sixty Cents (\$3,017.60) with interest thereon at 6% per annum from November 1, 1961 to the date of settlement.

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

SEP 4 1968

*Leonard v. B. Sutton*  
Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

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).)