

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

IN THE MATTER OF THE CLAIM OF

PAUL H. McCORMACK

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2758

Decision No. CU-0650

AMENDED PROPOSED DECISION

By Proposed Decision issued November 15, 1967, the Commission denied this claim for failure of proof. Since then, claimant has submitted additional evidence and the Proposed Decision is hereby amended.

Claimant, PAUL H. McCORMACK, who owned bonds issued by the Cespedes Sugar Company, Caribbean Sugar Company and those issued by the Cuban Railroad Company, asserted this claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of these companies.

In our decisions entitled the Claim of Michael Hanley, Claim No. CU-2118, Bangor Punta Corporation, et al, Claim No. CU-2156, and Claim of Edgar F. Corliss, Claim No. CU-0785, which we incorporate herein by reference, we held that the properties of the Cespedes and Caribbean Sugar companies were nationalized or otherwise taken by the Government of Cuba on August 6, 1960, and the properties of the Cuban Railroad Company were taken on October 13, 1960; and that claims for these bonds are 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 of a \$1000 Cespedes bond as being the amount of \$458.44, a \$1000 Caribbean bond as being in the amount of \$418, each including interest to August 6, 1960, and the Improvement and Equipment bonds in the amount of \$1000 face value issued by the Cuban Railroad as being in the amount of \$684.46, including interest to October 13, 1960.

On the basis of evidence in the record in the instant claim, the Commission finds that this claimant comes within the terms of the Hanley, Bangor Punta and Corliss decisions; that he was an American national at the requisite times; that he has been the owner of 10 bonds, with face value of \$1,000, issued by the Cespedes Sugar Company and 4 bonds with face value of \$1,000 and 1 bond for \$500, issued by the Caribbean Sugar Company, since prior to August 6, 1960, as well as 10 - \$1,000 bonds issued by the Cuban Railroad, since prior to October 13, 1960; and that he suffered losses in the amounts of \$4,584.40, \$1,881.00 and \$6,844.60, respectively, within the meaning of Title V of the Act. . Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from the respective dates of loss to the date on which provisions are made for the settlement thereof. (See Hanley, Bangor Punta and Corliss, supra.)

Accordingly, the following Certification of Loss will be entered and in all other respects the Proposed Decision is affirmed.

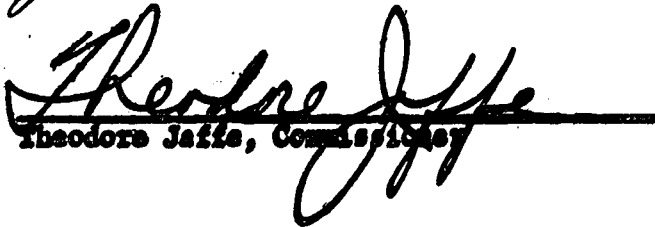
CERTIFICATION OF LOSS

The Commission certifies that PAUL H. McCORMACK 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 Thirteen Thousand Three Hundred Ten Dollars (\$13,310.00), 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 Amended Proposed Decision of the Commission

JUN 30 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, 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 claimant establishes 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 Amended 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 (1970).)

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

IN THE MATTER OF THE CLAIM OF

PAUL H. MCCORMACK

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU- 2758

Decision No. CU 650

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$12,701.01, was presented by PAUL H. MCCORMACK and is based upon the asserted loss of certain stated bonds of companies operating in Cuba. Claimant has been a national of the United States since his birth in 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.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant states that he owned certain bonds issued by several companies operating in Cuba and that the companies were nationalized by the Government of Cuba. Other than a certificate of baptism, no evidence has been submitted in support of this claim.

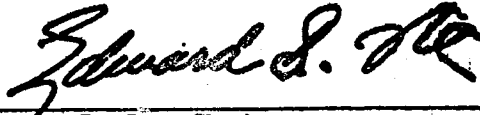
By Commission letter of June 19, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. No response was received to this correspondence. On August 30, 1967, claimant was invited to submit any evidence available to him within forty-five (45) days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has been submitted.

The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by

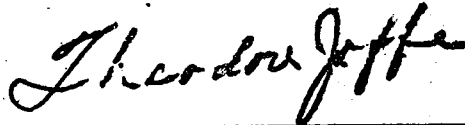
the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

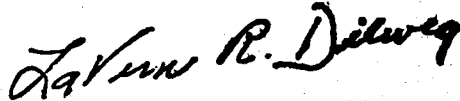
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Edward D. Ke, Chairman



Theodore Jaffe, Commissioner



LaVern R. Dilweg, Commissioner

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CU- 2758