

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

IN THE MATTER OF THE CLAIM OF

JOSEPH A. FROST

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2858

Decision No. CU 4371

Counsel for claimant:

Richard T. Stierer, 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 JOSEPH A. FROST for \$6,614.00 based upon the asserted ownership and loss of personal property. Claimant has been a national of the United States since his naturalization in 1915.

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 states that he resided and had an office at 105 Calzada Avenue, Havana, Cuba; that he purchased the personal property, subject of this claim in April, 1959, as he intended to go into the business of manufacturing vitamins from tropical fruits. He left Cuba on June 5, 1959 leaving his property in custody of a friend.

The Commission finds that claimant was the owner of certain personal property consisting of furniture, furnishings and personal effects which were located at the address referred to hereinbefore; and that this personal property was taken from him without compensation by the Government of Cuba on April 15, 1961 while the custodian of the property was under arrest.

Claimant has supplied a detailed listing of these items of personal property and stated that the total value of such property was \$6,614.00. After consideration of the values ascribed to each item the Commission finds after appropriate depreciation that the fair and reasonable value thereof aggregates \$5,955.00. Accordingly, it is concluded that claimant suffered a loss in that amount within the meaning of Title V of the Act as a result of the taking of his personal property by the Government of Cuba.

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), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that JOSEPH A. FROST 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 Five Thousand Nine Hundred Fifty-five Dollars (\$5,955.00) with interest thereon at 6% per annum from April 15, 1961 to the date of settlement.

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

**7 JAN 1970**

*Theodore Jaife*

Theodore Jaife, 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].)

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