

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

IN THE MATTER OF THE CLAIM OF

BEA THOMPSON

Claim No. CU -3317

Decision No. CU

3530

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 BEA THOMPSON, for \$120,000.00 based upon the asserted ownership and loss of an interest in land. 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.

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.

Claimant contends she has lost an investment in real property in Cuba valued at \$120,000. She has submitted a document entitled "Certificate of Title", dated April 22, 1955, reflecting the transfer of realty to claimant from one Mimi Frazer, through the Isle of Pines Land & Development Company. The land is described as the South 1/2 of Lot 6, Section 36, of Santa Rosalia Estates, an area of 20 acres. The price paid by claimant is not of record.

On the basis of the entire record, the Commission finds that claimant became the owner of the above-described realty in Santa Rosalia Estates in the Isle of Pines, Cuba.

On December 6, 1961 the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989.

Claimant contends the land had a selling value of \$2,500 per lot or \$12,500 per acre (a total of \$250,000) but that as it was unimproved, she felt the value was \$120,000. She has not, however, submitted evidence to substantiate this value, although she has submitted promotional matter as to part of the Isle of Pines. The Commission has considered this data and other evidence available as to values in that area. Based on the entire

record the Commission finds that the land had a value of \$48,000 and concludes that claimant suffered a loss in that amount within the meaning of Title V of the Act.

Claim has also been made for a bank account with an asserted balance of \$200.00. Claimant has submitted evidence reflecting a balance of \$100.00 in the Banco Continental Cubana on September 30, 1959.

A number of laws and resolutions were issued in Cuba affecting banks, bank accounts and currency.

Law 568, published in the Cuban Official Gazette on September 29, 1959, forbade the transfer of funds abroad, and effectively operated to block the funds of anyone who left the country.

Law 891, published in the Cuban Official Gazette on October 13, 1960, made banking a public function and took certain banks, including the Banco Continental Cubana. This action did not in itself nullify debts to depositors.

Law 930, published in the Cuban Official Gazette on February 23, 1961, gave the National Bank the power to effect centralization of liquid assets "temporarily" taken from the people. In effect this froze or continued the blocking of bank accounts.

Law 989, published in the Official Gazette on December 6, 1961, in its terms nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons who left the country of Cuba.

In view of the above actions by the Cuban Government, the Commission finds that claimant's above-described bank account, totalling \$100.00, was taken by the Government of Cuba on December 6, 1961. So much of the claim as is based on a purported additional \$100.00 in the account, not having been substantiated, is hereby denied.

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 the Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that BEA THOMPSON 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-eight Thousand One Hundred Dollars (\$48,100.00) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

**FEB 26 1969**

*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).)