

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

IN THE MATTER OF THE CLAIM OF

RUBIN SENOR  
CECILE SENOR

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-3555

Decision No. CU-1740

AMENDED PROPOSED DECISION

By Proposed Decision issued April 24, 1968, this claim was denied inasmuch as the evidence of record was insufficient to establish the claim.

Since then claimants have submitted additional satisfactory evidence. Additionally the Commission has considered the record in several related claims and now finds the record in this matter clarified. Accordingly, the Proposed Decision is amended.

Based on all the evidence of record in this and several other claims, the Commission finds that claimants owned equal interests in 20 shares of Finca El Barranco, S.A., and in one-third of the capital stock of Textilera Tricoseda, S.A.

In our Final Decision in the Claim of Ethel H. Berens (Claim No. CU-2313) and in our Decision in the Claim of Meyer Fuchsberg, et ux., (Claim No. CU-3348) which we incorporate herein by reference, we held that the properties of Barranco and of Tricoseda were nationalized by the Government of Cuba on December 6, 1961, pursuant to its Law 989 of that date. We need not again detail here the reasons or method used in determining the value per share of Barranco as \$2,309.5369 and of Tricoseda's net worth as \$210,000.

Accordingly, the Commission concludes that these claimants each sustained a loss of \$23,095.37 in connection with the Barranco stock, and of \$35,000 in connection with Tricoseda.

Further, the Commission finds that claimants owned equal interests in one third of 4-1/2% Bonds of the External Debt of the Republic of Cuba of a face value of \$11,000.

In our decision entitled the Claim of Clemens R. Maise Claim No. CU-3191, also we incorporate herein by reference), we held that the non-payment of the obligation constituted a taking of the property of the bondholders on December 31, 1960, and that this type of claim is compensable to American nationals under the facts and conditions set forth therein. Similarly as above, we need not again detail here the reasons or method used in determining the value per \$1,000 bond of \$1,022.50 including interest to December 31, 1960.

Accordingly, the Commission concludes that these claimants each sustained a loss of \$1,874.58 in this connection.

Recapitulation

Claimants losses within the scope of Title V of the Act may be summarized as follows:

	<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
RUBIN SENOR	Barranco stock	December 6, 1961	\$23,095.37
	Tricoseda	December 6, 1961	35,000.00
	Republic of Cuba bonds	December 31, 1960	<u>1,874.58</u>
			\$59,969.95
CECILE SENOR	Barranco stock	December 6, 1961	\$23,095.37
	Tricoseda	December 6, 1961	35,000.00
	Republic of Cuba bonds	December 31, 1960	<u>1,874.58</u>
			\$59,969.95

The Commission has decided that in certifications of loss 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, as follows:

	<u>FROM</u>	<u>ON</u>
RUBIN SENOR	December 31, 1960	\$ 1,374.58
	December 6, 1961	<u>58,095.37</u>
		\$59,969.95
CECILE SENOR	December 31, 1960	\$ 1,874.58
	December 6, 1961	<u>58,095.37</u>
		\$59,969.95

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


CERTIFICATIONS OF LOSS

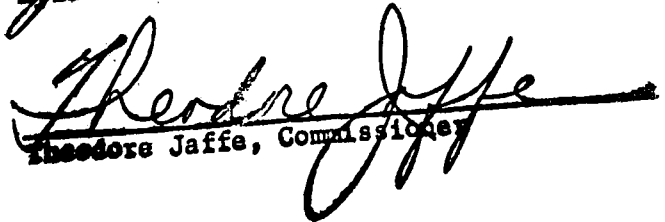
The Commission certifies that RUBIN SENOR suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Fifty-Nine Thousand Nine Hundred Sixty-Nine Dollars and Ninety-Five Cents (\$59,969.95) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement; and

The Commission certifies that CECILE SENOR 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 Fifty-Nine Thousand Nine Hundred Sixty-Nine Dollars and Ninety-Five Cents (\$59,969.95) 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

MAR 24 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).)

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IN THE MATTER OF THE CLAIM OF

RUBIN SENOR  
CECILE SENOR

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 3555

Decision No. CU - 1740

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 \$183,833.00, was presented by RUBIN SENOR and CECILE SENOR, and is based upon the asserted loss of certain securities and debts owed by nationalized enterprises. Claimants RUBIN SENOR and CECILE SENOR have been nationals of the United States since their naturalization on March 20, 1947 and June 11, 1956, respectively.

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).)

This claim is based upon the asserted loss of stock interests in Cuban corporations known as Textilera Tricoseda, S. A. and Barranco, S.A. An additional portion of the claim is based upon an interest in bonds of the Cuban Republic. However, other than the statements and description of the value of the claim and one affidavit, no documentary evidence in support of the ownership, loss and value of the properties claimed has been submitted to the Commission. By Commission letter of July 24, 1967, claimants were advised, as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of August 31, 1967, the Commission made additional suggestions to claimants concerning the submission of supporting evidence in this matter. However, no evidence in response to this correspondence has been received to date.

On December 15, 1967, claimants were invited to submit any evidence available to them within 45 days from that date, and they were informed that,

absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

The Commission has examined related claims based upon similar stock losses in the Cuban corporations known as Textilera Tricoseda, S.A. and Barranco, S.A. This examination discloses that no evidence, other than the affidavits contained in the present claim, has been presented in support of the asserted ownership, loss and value of these subject Cuban corporations.

The Commission finds that claimants have not met the burden of proof in that they have failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Accordingly, this claim is 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

APR 24 1968

*Leonard v. B. Sutton*

Leonard v. B. Sutton, Chairman

*Theodore Jaffe*

Theodore Jaffe, Commissioner

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).)

CU-3555