

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

IN THE MATTER OF THE CLAIM OF

RENE P. VALLE,
FRANCISCO ANDRES VALLE
and
HECTOR J. VALLE

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-3609
Claim No. CU-3629
Claim No. CU-3722

Decision No. CU

4208

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were presented by RENE P. VALLE, FRANCISCO ANDRES VALLE and HECTOR J. VALLE in the aggregate amount of \$235,037.04 based upon the asserted ownership and loss of real and personal property in Cuba. Claimants RENE P. VALLE and FRANCISCO ANDRES VALLE have been nationals of the United States since January 4, 1961 and HECTOR J. VALLE has been a national of the United States since January 5, 1966.

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.

Section 502(1) of the Act defines the term "national of the United States" to mean "(A) a natural person who is a citizen of the United States, . . . The term does not include aliens."

Thus, in order for the Commission to favorably consider claims under Section 503(a) of Title V of the Act, it must be established (1) that the subject property was owned in whole or in part by a national of the United States on the date of nationalization or other taking; and (2) that the claim arising as a result of such nationalization or other taking has been continuously owned thereafter in whole or in part by a national or nationals of the United States to the date of filing with the Commission.

Claimants herein assert title in 3/5 part to improved real property at 8803 5a A (between 88-90) Reparto Miramar - Marianao, Havana, including the furnishings, which was assertedly inherited from their mother, Dolores Pineda Valle, a Cuban national. They have submitted various documents in support of this item of claim. Included is the affidavit of the last caretaker which recites that the keys to the building were surrendered to the Cuban Revolutionary Police on May 5, 1962 pursuant to their orders.

The claimants' mother, Dolores Pineda Valle, died on August 29, 1962. It is clear, therefore, that the claim for the taking of this improved realty, and the personalty therein was not owned by a national of the United States on May 5, 1962, the date the loss occurred.

CU-3609, CU-3629, CU-3722

Accordingly, the Commission concludes that this item of claim is not valid under Title V of the Act in that it was not owned by a national of the United States on the date of loss and, therefore, it is hereby denied. (See Claim of Sigridur Einarsdottir, Claim No. CU-0728, 25 FCSC Semiann. Rep. 45 [July-Dec. 1966]; and Claim of Joseph Dallos Hollo, Claim No. CU-0101, 25 FCSC Semiann. Rep. 46 [July-Dec. 1966].)

The Commission deems it unnecessary to make specific findings with respect to other elements of this part of the claims.

HECTOR J. VALLE has also asserted claim for 6 shares of La Purisima Hospital, as well as professional medical equipment, and air conditioning units at his office at 161 - 11th Street, Vedado, Havana, Cuba. He asserts his claim arose after May 1962, and that thereafter he became an American citizen.

Inasmuch as the record does not reflect that any interests of HECTOR J. VALLE were taken by the Government of Cuba after he acquired nationality of the United States on January 5, 1966, the Commission is constrained to and does hereby deny these items of claim (see Hollo, supra).

RENE P. VALLE has also asserted claim for a bank account in The First National City Bank of New York in Havana, in the amount of \$1,037.04. In this connection he has submitted a bank statement of January 31, 1961 reflecting the asserted balance in his favor.

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.

In the absence of evidence to the contrary, the Commission finds that RENE P. VALLE's above-described bank account, totalling 1,037.04 pesos (which were on a par with United States dollars) was taken by the Government of Cuba on December 6, 1961. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

Accordingly, the Commission concludes that claimant RENE P. VALLE suffered a loss in the amount of \$1,037.04 within the meaning of Title V of the Act, as the result of the taking of his bank account by the Government of Cuba on December 6, 1961.

CU-3609, CU-3629, CU-3722

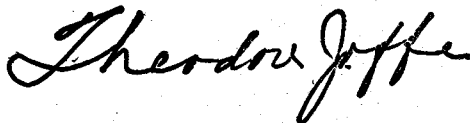
The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

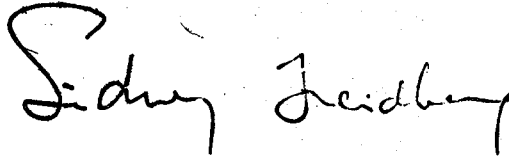
The Commission certifies that RENE P. VALLE suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Thousand Thirty-seven Dollars and Four Cents (\$1,037.04) with interest at 6% 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

NOV 26 1969



Theodore Jaffe, Commissioner



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).)

CU-3609, CU-3629, CU-3722