

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

IN THE MATTER OF THE CLAIM OF

MARIA EUGENIA SALAZAR

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -3661

Decision No. CU 3763

Counsel for claimant:

Lee, Toomey & Kent
By Michael Mulroney, 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 MARIA EUGENIA SALAZAR in the amount of \$18,200.00 and is based upon the asserted ownership and loss of certain personal property in Cuba. Claimant has been a national of the United States since her 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.

Claimant has submitted various affidavits concerning the ownership, loss and value of the personal property in question. Claimant stated in her affidavits and claim application that from 1956 to 1959 and for certain periods prior thereto, she was a resident of Cuba, first at her parents' home in Miramar, Mariano, located at Calle 60 No. 118, Esq. 3a, and after her marriage on August 30, 1959, to Jorge Salazar, a Cuban national, she resided at Paseo No. 151, Calzada Vedado. Claimant further stated that she and her husband were forced to leave Cuba hurriedly on April 28, 1960, due to political factors, and they could only transport hand baggage at the time of their departure. Claimant advised that she returned to Havana for a period of ten days in May, 1960, to transfer personal property from the Vedado apartment to storage in her parents' Miramar house. The record also indicates that her parents left Cuba in September 1960, leaving their house, including the aforesaid personalty stored therein, in care of their household employees. Claimant has specified that she acquired some of the property, including extensive household furnishings, in 1959 and prior to her marriage, and that she was the sole owner thereof; that other property, included in the claim was the joint property of claimant and her husband, while other property was solely owned by her husband.

The record includes two affidavits from persons with personal knowledge of the ownership, loss and value of the subject personalty, a photocopy of a wedding gift list, as taken from claimant's wedding book, and detailed inventories of the personalty prepared by claimant and other affiants. Affiant Luisa de Armas, identified as a leading Interior Decorator in Havana, stated that she personally assisted claimant in the selection and purchase of many antiques and home furnishings; and that claimant's inventory and wedding list are accurate, both as to items therein, description thereof and value of the items. Affiant Martha Longo de Finamore, identified as Secretary

to claimant's father, Manning Winthrop, conducting a building supply business in Havana, stated that in May 1960 the furniture and other personal property, subject of this claim, and that of claimant and her husband, were stored in the house of claimant's parents; and that on June 13, 1962, she (affiant) personally saw Cuban militiamen seize and take away said property, together with other personal property in the house.

Claimant has supplied a detailed inventory of the items of personal property, together with a photocopy of a wedding list, with itemized values totalling \$28,025.00. Claimant has shown therein the items which were her separate property or that property jointly owned with her husband, with a one-half interest therein, and such property interests of claimant are in the total specified amount of approximately \$19,000.00, while the property interests of her husband, solely or jointly owned by him, are in the total approximate amount of \$9,000.00.

Based upon the entire record, the Commission finds that claimant was the owner of certain personal property and that such personalty was taken by the Government of Cuba without compensation on June 13, 1962. Upon consideration of the record herein, including evidence available to the Commission as to the value of similar items in Cuba at the time of loss and factors relating to depreciation of personal property, the Commission finds that \$13,750.00 is the fair and reasonable value of the personal property owned by claimant on the date of loss. Accordingly, the Commission concludes that claimant suffered a loss in that amount, within the meaning of Title V of the Act.

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 MARIA EUGENIA SALAZAR 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 Seven Hundred Fifty Dollars (\$13,750.00) with interest thereon at 6% per annum from June 13, 1962 to the date of settlement.

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

JUL 23 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).)