

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

IN THE MATTER OF THE CLAIM OF

VIOLETA FABELO

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-4092

Decision No. CU - 3940

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was opened by the Commission on behalf of VIOLETA FABELO and perfected by her. She asserts a claim for loss of \$7,201.14 based upon the asserted ownership and loss of bank accounts and personal property. 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.

Claimant contends she has lost bank accounts in the amount of \$4,916.14 and personal property valued by her in the amount of \$2,285.

On the basis of the entire record the Commission finds that claimant was the owner of certain bank accounts and personal property in 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.

As the record shows, claimant was repatriated from Cuba on August 7, 1968. The Commission finds, in the absence of evidence to the contrary, that the subject bank accounts and other personal property was taken by the Government of Cuba on February 7, 1967 pursuant to the provisions of Law 989.

On the basis of the record the Commission finds claimant owned bank accounts in Cuba, as follows:

Savings Account No. 3339 in Banco de Nacional	\$2,902.29
Post Office Savings Bank, Account No. 27635	1,340.19
Savings Account No. 3216 in Banco de Nacional	673.66
	<u>\$4,916.14</u>

Further, the Commission has considered the description of the personal property which claimant formerly owned in Cuba, and after application of an appropriate factor of depreciation, finds that it had a value of \$2,056.50. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$6,972.64 within the meaning of Title V of the Act.

The Commission has decided that in certification 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.

CERTIFICATION OF LOSS

The Commission certifies that VIOLETA FABELO 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 Six Thousand Nine Hundred Seventy-Two Dollars and Sixty-Four Cents (\$6,972.64) with interest at 6% per annum from February 7, 1967 to the date of settlement.

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

OCT 1 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).)