

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

IN THE MATTER OF THE CLAIM OF

LUCILLE MARGARET RUIZ

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-4217

Decision No. CU  
**5889**

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 claimant based upon certain losses which may have been sustained as a result of actions by the Government of Cuba since January 1, 1959. Claimant has been a national of the United States since birth. She states that her husband is a national of Cuba.

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.

It appears from an affidavit prepared by claimant's husband in Cuba on January 20, 1966, that his losses are asserted as follows (the peso being on a par with the United States dollar):

Chrysler Imperial, 1954, purchased in 1964	\$ 1,800.00
Laboratory equipment and chemicals	1,700.00
Household furnishings	4,500.00
Bank account in joint name with claimant	<u>5,045.69</u>
	\$13,045.69

Claimant states that this affidavit did not include over 200 boxes of chemical products such as insecticides, valued between \$21.00 and \$48.00 per unit.

On the basis of the foregoing and claimant's affidavit of June 24, 1968, the Commission finds that under the community property laws of Cuba claimant and her husband, a nonnational of the United States, each owned a one-half interest in the personal property subject of this claim.

On December 6, 1961, the Cuban Government published its Law 989 which effectively confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country.

It appears that claimant, her husband and two children left Cuba on December 6, 1967. In the absence of evidence to the contrary, the Commission finds that claimant's interests in the subject personal property, including the bank account totalling \$5,045.69, were taken by the Government of Cuba on December 6, 1966 pursuant to Law 989 (see Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966]; and Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966]), even though claimant remained in possession for a time thereafter.

Based on the entire record, the Commission finds that on December 6, 1966, the date of loss, the personal property exclusive of the bank account had a value after appropriate depreciation of \$14,780.00, a loss to the claimant of \$7,390.00, in addition to her loss of one-half of the bank account, or \$2,522.85.

Accordingly, the Commission concludes that claimant suffered a loss in the total amount of \$9,912.85 within the meaning of Title V of the Act as the result of the taking of her one-half interest in the personal property including the bank account by the Government of Cuba on December 6, 1966.

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.

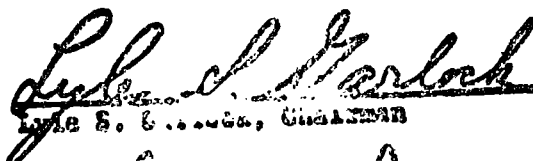
CU-4217


CERTIFICATION OF LOSS

The Commission certifies that LUCILLE MARGARET RUIZ 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 Nine Thousand Nine Hundred Twelve Dollars and Eighty-five Cents (\$9,912.85) with interest thereon at 6% per annum from December 6, 1966 to the date of settlement.

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

**OCT 14 1970**

  
Paul C. Harlock, Chairman

  
Theodore Jaffe, 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).)