

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

IN THE MATTER OF THE CLAIM OF

FRANK BERGOLD, DOROTHY BERGOLD  
AND JOAN CHRISTIANSEN

Claim No. CU-5634

Decision No. CU - 4191

Under the International Claims Settlement  
Act of 1949, as amended

Represented by Cia. Azucarera Vertientes-Camaguey de Cuba

Counsel for Cia. Azucarera Vertientes-Camaguey de Cuba:  
Shapiro, Fried and Weil  
By Herbert S. Shapiro, Esq.

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PROPOSED DECISION

This claim was filed by Stanley A. Wilczynski, Executor of the Estate of William F. Kracke, deceased, who owned a stock interest in the Cia. Azucarera Vertientes-Camaguey de Cuba, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Ruth Anna Haskew (Claim No. CU-0849 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of \$46,3946.

On the basis of evidence in the record in the instant case, the Commission finds that this decedent came within the terms of the Haskew decision; that he was an American national at the requisite times; that he had been the owner of 20 shares of stock in the Cia. Azucarera Vertientes-Camaguey de Cuba since prior to August 6, 1960; and that he suffered a loss in the amount of \$927.90 within the meaning of Title V of the Act. Upon the death of William F. Kracke and subsequent to the closing of the estate FRANK BERGOLD and DOROTHY BERGOLD became the joint owners of one-half the claim, represented by 10 shares of Vertientes stock, and JOAN CHRISTIANSEN became the owner of the other one-half the claim, also represented by 10 shares. These successors in interest also are United States nationals. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Haskew, supra.)

CERTIFICATION OF LOSS

The Commission certifies that FRANK BERGOLD AND DOROTHY BERGOLD 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 Four Hundred Sixty-Three Dollars and Ninety-Five Cents (\$463.95) with interest at 6% per annum from August 6, 1960 to the date of settlement; and

The Commission certifies that JOAN CHRISTIANSEN 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 Four Hundred Sixty-Three Dollars and Ninety-Five Cents (\$463.95) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

NOV 14 1969

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

Sidney Freidberg, 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 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-5634