

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

IN THE MATTER OF THE CLAIM OF

LUCILLE M. MCKINLEY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-8396

Decision No. CU 4461

PROPOSED DECISION

Claimant, LUCILLE M. MCKINLEY, who owned 3% Cumulative Income Debentures issued by the Consolidated Railroads of 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 railroad.

In our decision entitled the Claim of Edward R. Smith (Claim No. CU-5001 which we incorporate herein by reference), we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 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 \$5,000. bond of \$5,945.41 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Smith decision; that she was an American national at the requisite times; that she has been the owner of 3% Income Debentures in the total face amount of \$5,000.00 since prior to October 13, 1960; that she suffered a loss in the amount of \$5,945.41 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, *supra*.)

- 2 -

CERTIFICATION OF LOSS

The Commission certifies that EUGENIE M. MURKINLEY 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 Five Thousand Nine Hundred Forty-five Dollars and Forty-One Cents (\$5,945.41) with interest at 6% per annum from October 13, 1960 to the date of settlement.

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

29 JAN 1970

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney D. Goldberg

Sidney D. Goldberg, Commissioner

NOTE OF 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 for 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),)

CI-8395