

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

IN THE MATTER OF THE CLAIM OF

JOHN H. PARKER
IRIS M. PARKER

Under the International Claims Settlement
Act of 1949, as amended

Counsel for Claimant:

Claim No. CU 0041

Decision No. CU -6047

Rufus King, Esq.

Appeal and objections from a Proposed Decision entered February 3, 1971;
oral hearing requested and held March 17, 1971.

FINAL DECISION

Under date of February 3, 1971 the Commission issued a Proposed Decision certifying that claimants JOHN H. PARKER suffered a loss of \$11,789.87 and IRIS M. PARKER a loss of \$61,181.55 as a result of actions of the Government of Cuba.

Claimant JOHN H. PARKER objected to the Proposed Decision and requested an oral hearing which was held on March 17, 1971. Claimant contended, among other things, that as to the productivity of his oil and naphtha wells, the lifetime of the wells was longer than 8 years as determined in the Proposed Decision; that the lumping together of all concessions for the purpose of finding their value was an error; that the Commission disregarded the high prices of naphtha in Cuba; and that claimant JOHN H. PARKER did not inherit the oil concessions "Sante Tomas" and "Presidente Roosevelt", but acquired them by purchase. Claimant also objected to the denial of the claim for one share of Compania Petrolera Norita S.A. In support of the objections claimant submitted various documents, including affidavits of witnesses and experts concerning the value of the oil drilling and mining concessions.

At the hearing, counsel for claimant introduced the testimony of Clarence W. Moore, a former editor of a trade publication for the oil industry in Cuba, who testified that the Motembo oil fields where claimant's naphtha wells were located, are among the most productive oil properties in Cuba and while the naphtha fields were declining during the recent years, considerable layers of crude oil and gas were situated below the level of the naphtha wells, that only because of unusual circumstance in Cuba, it was impossible to drill deep enough and to exploit these lower fields; but that there is consent among the experts that these fields existed and could have been exploited, had the Government of Cuba not interfered with the ownership of the concessions in 1959.

After the hearing, counsel for claimant submitted an opinion of Henry W. Wassall, an oil expert and geologist who was formerly stationed in Cuba, and who confirmed the statements made by Mr. Moore concerning the oil reserves in the Motembo fields.

Upon examination of the record, the Commission finds that it is still not in a position to make separate findings of value for the individual concessions, because no breakdown of the production or of the income from the individual concessions has been presented to the Commission. With respect to the character of the ownership of the two oil concessions: "Santo Tomas" and "Presidente Roosevelt" the Commission finds that its character is inconsequential for the purpose of this decision, inasmuch as the purchase was obviously made with funds originating from the inheritance. With respect to the shares of stock of the Compania Petrolera Norita S.A. the Commission reiterates its finding that claimant has failed to establish that the single share involved in the claim had any value at the time of its purchase in 1960.

On the other hand, the Commission now finds that at the time of taking the lifetime for the commercial exploitation of the concessions subject of this claim was 16 years. Considering that JOHN H. PARKER had an average net income from the concessions in the amount of \$6,326.04 per year, the Commission now determines that the value of the concessions at the time of taking was \$101,216.64.

The recapitulation of losses suffered by JOHN H. PARKER is restated as follows:

<u>ITEM</u>	<u>DATE OF LOSS</u>	<u>JOHN H. PARKER</u>
Leases and concessions	November 23, 1959	\$101,216.64
Cia. Petrolera Arabia	November 23, 1959	2,916.55
Cia. Petrolera Aventura	November 23, 1959	40,000.00
Cia. Inversiones Petroleras	November 23, 1959	3,000.00
Farm at Coralillo	December 6, 1961	8,000.00
Office Equipment, Home Furnishings, Auto	December 6, 1961	<u>7,265.00</u>
		\$162,398.19

and the interest computation on his losses is restated as follows:

<u>FROM</u>	<u>ON</u>
<u>JOHN H. PARKER</u>	
November 23, 1959	\$147,133.19
December 6, 1961	<u>15,265.00</u>
	\$162,398.19


In view of the foregoing the Proposed Decision is modified to reflect the above findings; the Certification of Loss as to JOHN H. PARKER is set aside and the Certification as restated below will be entered; and in all other respects the Proposed Decision is affirmed, including the Certification to IRIS M. PARKER.


CERTIFICATION OF LOSS

The Commission certifies that JOHN H. PARKER 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 One Hundred Sixty-two Thousand Three Hundred Ninety-eight Dollars and Nineteen Cents (\$162,398.19) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement.

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

MAY 26 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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

IN THE MATTER OF THE CLAIM OF

JOHN H. PARKER
IRIS M. PARKER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 0041

Decision No. CU - 6047

Counsel for claimant:

Rufus King, Esquire

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 JOHN H. PARKER in the amount of \$498,742.50 based upon the asserted losses in connection with his ownership of mineral leases and concessions in Cuba, stocks in Cuban corporations, a farm in Las Villas province, and office furniture, home furnishings and an automobile in Havana, Cuba. Claimant, JOHN H. PARKER, has been a national of the United States since birth.

Subsequently, IRIS MITCHELL PARKER, claimant's wife, a national of the United States since birth, petitioned to be joined in this claim, and upon due consideration it is

ORDERED that the petition of joinder of IRIS MITCHELL PARKER be and the same is hereby granted.

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.

Claimants state that they have sustained the following losses with respect to various property items as specified below:

(1) Mineral Leases and Concessions

In the Las Villas Province

	<u>Asserted Value</u>
54% interest in the oil mining concession "Yonides"	\$200,016.00
54% interest in the oil mining concession "Motembo"	59,061.50
60% interest in the oil mining concession "Santo Tomas"	64,830.00
50% interest in the oil mining concession "President Roosevelt"	1,975.00
75% interest in the oil mining concession "La Fe"	7,500.00

In the Oriente Province

50% gold ore mining concession "El Oro"	15,000.00
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In the Pinar del Rio Province

25% interest in oil, asphalt, copper and iron mine concessions, known as "Parker", "Davis", "Kohly", "Marzan", "Jonas", "America" and others	25,000.00
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(2) Securities

20 shares of Inversiones Petroleras Cubanas S.A.	10,000.00
60 shares of Cia. Petrolera Arabia S.A.	5,000.00
20 shares of Cia. Petrolera Aventura S.A.	80,200.00

(3) Farm at Corralillo, Las Villas Province

House	5,000.00
Garage and outbuildings	1,000.00
Improvements on land, including grove	5,000.00
Artesian well, pump and tanks	1,500.00
Furnishings	1,000.00
Three horses, saddles and gear	500.00
Tools	1,500.00
Clothing and personal effects	500.00

(4) Office at 26 Mercaderes, Altos, Havana

Furniture, records, files, instruments, etc. \$ 5,060.00

(5) Apartment #3 at 2804 Third Avenue
Reparto Miramar, Havana

Furniture, furnishings, household goods 8,250.00

(6) Automobile

1955 2 door "Mercury" sedan 850.00

Total \$498,742.50

In support of the claim claimants have submitted evidence in the form of inheritance decrees, contracts of purchase and sale of mining properties including exploration rights, agreements concerning leases and royalties, stock certificates, description of mines, affidavits, statements, excerpts from the Cuban Official Gazette regarding the nationalization of major enterprises and of property owned by persons who left Cuba, income tax returns, production figures and tabulations showing royalty payments during the years before the losses occurred. On the basis of such evidence the Commission makes its findings of fact regarding the various items of this claim under separate headings, as set forth further below.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

The question in all cases will be to determine the basis of valuation which, under the particular circumstances, is most appropriate to the property and equitable to the claimant. This phraseology does not differ from the international legal standard that would normally prevail in evaluation of nationalized property. It is designed to strengthen that standard by giving specific bases of valuation that the Commission shall consider.

(1) Mineral Leases and Concessions

The evidence discloses that claimant JOHN H. PARKER inherited certain mineral leases and concessions, including those subject of this claim, upon the death in 1934 of his father John W. Parker and upon the death in 1941 of his mother Nellie M. Parker. The mining rights subject of this claim consisted of the following:

(I) In the province of Las Villas (near Corralillo and Santa Clara)

- (a) A 54% interest in an oil exploitation concession, known as "Yonides", encompassing 1852 acres with 52 producing crude oil wells and a 54% interest in an oil exploitation concession known as "Motembo", adjoining the "Yonides" wells, encompassing approximately 2,160 acres. These concessions were leased to the Consolidated Cuban Development Company which paid royalties with a minimum of \$10,000.00 per year for the entire tract;
- (b) A 60% interest in an oil exploitation concession known as "Santo Tomas" and a 50% interest in an oil exploitation concession known as "Presidente Roosevelt". The evidence does not support claimants' contention that these two concessions were income producing properties;
- (c) A 75% interest in an oil exploitation concession known as "La Fe" but neither in this case does the evidence establish that the property was producing any significant income to the claimants.

(II) In the province of Oriente (near Holguin)

A 50% interest in a gold mine exploitation concession. The evidence does not support claimants' contention that this concession was income producing.

(III) In the province of Pinar del Rio (near Guanajay)

A 25% interest in oil, asphalt, copper, and iron exploitation concessions known as "Parker", "Ampliacion de Parker", "Davis", "Ampliacion de Davis", "Kohly Nos. 1 through 5", "Ampliacion de Kohly", "Marzan", "Jonas", "America" and "Ampliacion de America". The evidence discloses that some of these concessions or portions thereof were leased to various mining enterprises which paid royalties in accordance with lease agreements.

All these mining rights were substantially curtailed by the Cuban Government under Law No. 635 of November 23, 1959. This law effectively cancelled all applications for explorations and exploitation of concessions, regardless of the status thereof (see Claim of Felix Heyman, Claim No. CU-0412, 1968 FGSC Ann. Rep. 51). Thus the Commission finds that the above described leases and concessions were taken by the Government of Cuba on November 23, 1959.

The Commission has given consideration to claimants' evaluation of the above described mining rights and finds that the evidence of record does not support such evaluation, inasmuch as it is abundantly clear that some of the oil wells to which reference is made in the lease and royalty agreements, were to all intents and purposes non producing and dry. The Commission has consistently held that development of dry oil wells and payment of ordinary administrative costs for that purpose cannot be categorized as an asset or property taken by the Government of Cuba (see Claim of D.R. Wimberly, Claim No. CU-3417). However, the evidence in this claim discloses that claimant JOHN H. PARKER was able to collect substantial royalties from the leases of oil exploration concessions since 1943, when his gross income was \$23,544.53, until 1958 when his gross income was \$5,813.31. The Commission therefore concludes that some of the oil wells covered by these concessions were oil producing, and it remains to be established what their value was at the time of taking in 1959.

Claimants have furnished records showing their income tax returns with the United States Internal Revenue Service from 1939 to 1958. These income tax returns indicate that the income from the concessions was declining from 1939 to 1954, and that after 1955 it increased again with a trend for a further slight increase. The income tax returns for the last four years (before the loss occurred) show that JOHN H. PARKER declared the following net income from royalties based on mining concessions and leases:

1955	\$6,397.08
1956	6,804.56
1957	6,289.20
1958	5,813.31

The average net income from the oil concessions and related sources for the last four years before the taking was therefore \$6,326.04 per year.

The Commission has held that, in absence of other evidence, net income may be capitalized in order to establish a reasonable and appropriate basis for the evaluation of mining concessions. However, with respect to oil exploitation concessions, in the absence of evidence as to the proven reserves of underground crude oil, such evaluation must be limited to the

probable life time of the oil production. Experience has shown that in Cuban oil well operations of the type described above, the expected production is generally limited to a maximum of eight years. Accordingly, the Commission finds that the aforesaid mineral leases, consisting mainly of oil exploitation concessions, based upon a yearly net income of \$6,326.04, at the time of taking had a value of \$50,608.32.

The Commission, therefore, concludes that claimant JOHN H. PARKER, as sole owner of the above described interests in the mining rights, suffered a loss of \$50,608.32 as a result of actions of the Government of Cuba within the meaning of Title V of the Act.

(2) Securities

(a) Compania Petrolera Arabia S.A.

Claimants were the owners of 70 shares of 600 outstanding shares of capital stock of the Compania Petrolera Arabia S.A., a Cuban corporation organized on October 26, 1948. Since this company was organized under the laws of Cuba it does not qualify as a corporation "national of the United States" defined under Section 502(1)(B) of the Act as a corporation or other legal entity organized under the laws of the United States, or any State, the District of Columbia, or the Commonwealth of Puerto Rico, whose ownership is vested to the extent of 50 percent or more in natural persons who are citizens of the United States. In this type of situation, it has been held that an American stockholder is entitled to file a claim for the value of his stockholder's ownership interest. (See Claim Parke, Davis & Company, Claim No. CU-0180, 1967 FCSC Ann. Rep. 33.) The Commission, therefore, finds that claimants are the proper parties before the Commission in connection with their stockholders' interest in this Cuban, as well as in other corporations organized under the laws of Cuba.

Compania Petrolera Arabia S.A. was the owner of an oil exploration concession known as "Tirana" covering approximately 5,500 acres of land located in the province of Matanzas, Cuba, which in 1958 was leased jointly to Esso Standard (Cuba) Inc. and Compania Petrolera Norita S.A. By the terms of this lease Compania Petrolera Arabia S.A. was to share in an annual rent of \$25,000.00 and to receive a royalty of 5% of production. The exploration started in the year 1958, but shortly thereafter it was curtailed

under Law No. 635 of November 23, 1959 which cancelled all exploration concessions. The Commission, therefore, finds that the concession was taken by the Government of Cuba on November 23, 1959.

In the Claim of William A. Powe, Claim No. CU-0502, the Commission determined that the net worth of the Compania Petrolera Arabia S.A. on the date of taking was \$50,000.00 and that the value of one share of stock was \$83.33.

According to the Community Property Law of Cuba the properties acquired by one or both spouses during the marriage partnership or by the industry, salary or work of either or both spouses, and the fruits thereof belong in equal parts to both spouses. Here, the Commission finds that the securities referred to above as well as all the remaining property discussed below were acquired by JOHN H. PARKER after November 11, 1943, the date of his marriage to IRIS MITCHELL PARKER, and that this property was therefore owned by each of the claimants in equal shares. Accordingly, JOHN H. PARKER and IRIS M. PARKER each owned 35 shares of stock of Compania Petrolera Arabia S.A. and suffered a loss of \$2,916.55 each for their stock interest as a result of the actions of the Government of Cuba.

(b) Compania Petrolera Aventura S.A.

Claimants were the owners of 20 shares of stock of 200 outstanding shares of capital stock of the Compania Petrolera Aventura S.A., a Cuban corporation organized on September 28, 1955. The company was the owner of oil exploration concessions known as "West Motembo", "Liquid Gold" and "Golden Hope" located in the province of Matanzas, Cuba, covering approximately 160,000 acres of land, which in 1958 was jointly leased to Esso Standard (Cuba) Inc. and Compania Norita S.A. By the terms of the lease Compania Petrolera Aventura S.A. was to share in an annual rent of \$25,000.00 and to receive a royalty of 5% of production. This lease, in substance, covered the exploration areas of the "Arabia" company, discussed above under (a) and the "Aventura" company discussed here, and both companies were to share the income from the lease and royalties in proportion to their holdings.

For the reasons stated above, the Commission finds that the concession was taken by the Government of Cuba on November 23, 1959.

Based upon the value established for the net worth of "Arabia" company which owned a concession covering 5,500 acres, the Commission finds that the net worth of Compania Petrolera Aventura S.A. which owned concessions covering 160,000 acres, was \$800,000.00. Consequently each of the 200 outstanding shares of capital stock had a value of \$4,000.00.

Considering the provisions of the Community Property Law of Cuba, the Commission further finds that JOHN H. PARKER and IRIS M. PARKER were each the owners of 10 shares of stock of the Compania Petrolera Aventura S.A. and that they suffered each a loss of \$40,000.00 for their stock interest as a result of the actions of the Government of Cuba.

(c) Compania Inversiones Petroleras Cubanas S.A.

Claimants were the owners of 20 shares out of a total of 100 shares of capital stock of Compania Inversiones Petroleras Cubanas S.A. (Cuban Petroleum Investment Company, Inc.), a Cuban corporation organized on February 11, 1944. The evidence shows that this company had a so-called "override" on the production of the "Yonides" leasehold to which reference is made above under (1)(1). The evidence further indicates that under an agreement dated November 19, 1956 between Compania Inversiones Petroleras Cubanas S.A. on one side and "Servicios Tecnicos Petroleros S.A.," "Compania de Fomento San Jorge S.A." and "The Cuban Land Development Company" on the other side, certain mining rights in the Motembo section of the province of Las Villas were subleased by the Compania Inversiones Petroleras Cubanas S.A. for a minimum yearly royalty of \$10,000 plus certain royalties based upon actual production. There is some evidence that the production of asphalt was successful, while nothing indicates that the production of oil yielded any significant income. The Commission, therefore, finds that the net worth of the Compania Inversiones Petroleras Cubanas S.A. at the time of taking by the Government of Cuba on November 23, 1959, had a value equivalent to a three year lease in the amount of \$30,000, and that each share had a value of \$300.00.

Taking into consideration the Community Property provisions of the Cuban law, as stated above, the Commission further finds that JOHN H. PARKER and IRIS M. PARKER each were the owners of ten shares of Compania Inversiones Petroleras Cubanas S.A. and that they suffered each a loss of \$3,000.00 in connection with their ownership of the aforesaid stock.

(d) Compania Petrolera Norita S.A.

Claimants have submitted a certificate for one share of stock in the face value of 100 pesos of the Compania Petrolera Norita S.A., a Cuban corporation organized on March 14, 1955, but claimants have failed to assign any value to this stock certificate.

The record shows that this stock certificate was issued to JOHN H. PARKER on March 15, 1960. Compania Petrolera Norita S.A. was a partner with Esso Standard (Cuba) Inc. in the exploitation of oil wells as discussed above under II(2) and had also interests in other oil ventures. The evidence, however, does not disclose that the Norita company had assets other than those encompassed by oil concessions and mineral rights. These oil concessions and mineral rights were taken by the Government of Cuba, as stated above, on November 23, 1959. The Commission finds, on the basis of the evidence before it, that claimant JOHN H. PARKER, acquired his stockholder's rights on March 15, 1960, the date when the stock certificate was issued in his name. The record does not establish that on the date of loss the company had any net worth and accordingly, the claim based on this stock certificate is denied.

(3) Farm at Corralillo, Las Villas Province

The Commission records disclose that claimants had leased land measuring 16-1/2 acres at Corralillo, in the vicinity of the oil exploration area in Las Villas province. The land included a house with a garage, erected by the claimants, 5-1/2 acre tropical fruit grove, improvements, such as a well, tanks, pumps etc. and personal property consisting of furnishings, tools, and three horses.

The Commission finds that claimants' investments in the farm were subject to Cuban Law No. 989 published in the Official Gazette on December 6, 1961, which confiscated all goods and chattels, rights, shares, stock, bonds and other property of persons who left Cuba. Claimant left Cuba on April 28, 1961 and in the absence of evidence to the contrary, the Commission finds that the above farm investments situated on the land were taken by the Government of Cuba on December 6, 1961.

The Commission further finds that these investments, which included a house, garage, a developed tropical garden and other personalty, had a value of \$16,000.00.

Taking into consideration the Community Property Law of Cuba, the Commission finds that JOHN H. PARKER and IRIS M. PARKER were each the owners of a one-half interest in the farm investments and that each suffered a loss of \$8,000.00 from the actions of the Cuban Government.

(4) Office Furniture, Home Furnishings and Automobile

The Commission records disclose that claimants owned office equipment located at No. 26 Mercaderes, Altos, Havana, home furnishings at their apartment #3 at No. 2804 Third Avenue, Reparto Miramar, Havana, and a 1955 two-door custom sedan "Mercury" automobile.

The Commission finds that this property also was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law No. 989 for the reasons stated above in connection with claimants' departure from Cuba in April of 1961.

The Commission further finds that the value of this property was as follows:

Office equipment	\$ 5,060.00
Home furnishings	8,970.00
Automobile, six years old	<u>500.00</u>
Total	\$14,530.00

Taking into consideration the Community Property Law of Cuba, the Commission finds that each claimant owned a one-half interest in the aforesaid property and that each suffered a loss in the amount of \$7,265.00 as a result of the actions taken by the Government of Cuba.

RECAPITULATION

The losses certifiable within the scope of Title V of the Act are summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>JOHN H. PARKER</u>	<u>IRIS M. PARKER</u>
Leases and Concessions	Nov. 23, 1959	\$ 50,608.32	--
Cia. Petrolera Arabia	Nov. 23, 1959	2,916.55	\$ 2,916.55
Cia. Petrolera Aventura	Nov. 23, 1959	40,000.00	40,000.00
Cia. Inversiones			
Petroleras	Nov. 23, 1959	3,000.00	3,000.00
Farm at Corralillo	Dec. 6, 1961	8,000.00	8,000.00
Office Equipment, Home			
Furnishings, Auto	Dec. 6, 1961	<u>7,265.00</u>	<u>7,265.00</u>
	Total	\$111,789.87	\$61,181.55

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 as follows:

<u>FROM</u>	<u>ON</u>
<u>JOHN H. PARKER</u>	
November 23, 1959	\$96,524.87
December 6, 1961	15,265.00
<u>IRIS M. PARKER</u>	
November 23, 1959	\$45,916.55
December 6, 1961	15,265.00

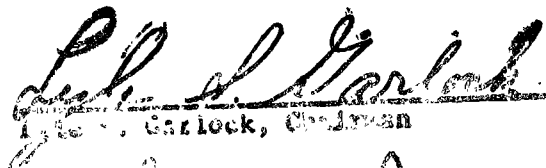
CERTIFICATION OF LOSS

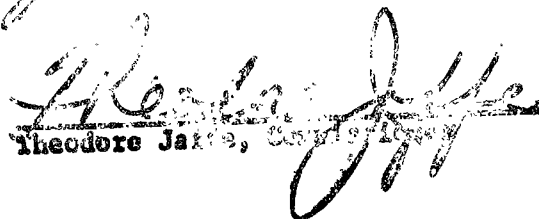
The Commission certifies that JOHN H. PARKER suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Eleven Thousand Seven Hundred Eighty-Nine Dollars and Eighty-Seven Cents (\$111,789.87) with interest thereon at 6% per annum from the respective dates of loss to the date of settlement; and

The Commission certifies that IRIS M. PARKER 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 Sixty-One Thousand One Hundred Eighty-One Dollars Fifty-Five Cents (\$ 61,181.55) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

FEB 3 1971


George S. Carlock, Chairman


Theodore Jaffe, Counselor

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 (1970).)