

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

IN THE MATTER OF THE CLAIM OF

RALPH I. FINN

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0135

Decision No. CU 3224

PROPOSED DECISION

This claim against the Government of Cuba under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$54,649.89, was presented by RALPH I. FINN, a national of the United States since birth. The claim is based upon the asserted loss of real and personal property in 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.

Evidence of record includes excerpts from entries in Cuban land registers, copies of tax receipts and cancelled checks, a photograph of a house, an affidavit providing a detailed list of personal property, and reports of an independent investigation conducted by the Commission concerning the ownership, loss and value of the properties involved in the claim.

Based on the entire record, the Commission finds that RALPH I. FINN was the owner of a total of 136.9 acres of land on the Isle of Pines, Cuba, described as parts of lot 9 of section 1 and lot 12 of section 2, of the estate Hospital, and lots 98 and 111 of section 16, lots 41, 43, and 45 of sections 14 and 27, and the south half of lots 11 and 12 of section 15, of the estate of Santa Fe. The Commission further finds that claimant owned a three-bedroom, two-bath house with garage and servant's quarters, fully furnished, situated on lots 11 and 12 of section 15; a 1952 Studebaker automobile; and two power mowers and other tools and equipment; and that on or about April 15, 1961 the house was entered by members of the Cuban armed forces and its contents removed, since which time the property has been occupied and used by persons unknown to claimant.

Although the provisions of no specific Cuban legislation appear to have been invoked in connection with the action taken against claimant's property, the Commission nevertheless finds that such action amounted to a taking of claimant's real and personal property by the Government of Cuba within the meaning of Title V of the Act.

On the basis of the Commission's independent investigation, the tax receipts, cancelled checks, and affidavit regarding the personal property, the Commission finds that the value of the property at the time of loss was \$12,580.00 for the 136.9 acres of land, \$10,350.00 for the house and appurtenances thereto, \$500.00 for the automobile, \$500.40 for the mowers, tools and equipment, and \$8,836.20 for the furniture and household effects. The Commission concludes that claimant suffered a loss in the total amount of \$32,766.60 within the meaning of Title V of the Act as a result of the taking of his real and personal property by the Government of Cuba on April 15, 1961.

The Commission has decided that in certification of losses on claims 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 the Claim of Lisle Corporation, Claim No. 0644), and in the instant case it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that RALPH I. FINN 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 Thirty-two Thousand Seven Hundred Sixty-six Dollars and Sixty Cents (\$32,766.60) with interest thereon at 6% per annum from April 15, 1961 to the date of settlement.

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

OCT 30 1968

*Leonard v. B. Sutton*  
Leonard v. B. Sutton, Chairman

*Theodore Joffe*  
Theodore Joffe, Commissioner

*Sidney Feinberg*  
Sidney Feinberg, 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).)