

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

IN THE MATTER OF THE CLAIM OF

ROBERT J. KUHN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0290

Decision No. CU 3545

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 ROBERT J. KUHN in the amount of \$9,306.66 based upon the asserted loss of payment for professional fees and travel expenses incident to services performed as a consulting engineer in Cuba. Claimant, ROBERT J. KUHN, has been a national of the United States since his birth.

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.

Claimant was engaged by the Government of Cuba as consulting engineer on a wharf construction project known as "Termina Maritima de Cayo Cruz" in Havana. The record contains copy of the agreement providing for services at \$1,400 per month from September, 1959, through December, 1959, the Cuban Government having an option to extend the contract for an additional six months through June, 1960 at \$600 per month, as well as traveling and living expenses.

In further support of his claim, the file contains a copy of an application of the Administrator of the project, under date of March 15, 1960, for funds in the amount of \$6,200; a letter of April 9, 1960, from the Administrator, recommending payment by the Bank in the amount of \$6,800; and a letter of April 21, 1960, requesting claimant to send his bill for the month of April, 1960, so that it could be sent to the National Bank with the bills for February and March, 1960.

Statements of account due the claimant are:

September, October, November, December, 1959 at \$1,400		\$5,600.00
6 months of 1960 at \$600		3,600.00
Travel expenses:		
August-September, 1959	\$47.15	
February, 1960	<u>59.51</u>	<u>106.66</u>
		\$9,306.66

Claimant avers that he has not received the monies due him.

The Commission holds that this debt of the Government of Cuba constitutes property within the meaning of the term as defined in Section 502(3) of the Act. (See Claim of Clemens R. Maise, Claim No. CU-3191, 1967 FCSC Ann. Rep. 68.) Accordingly, on the basis of evidence of record, the Commission finds that claimant suffered a loss in the amount of \$9,306.66 within the meaning of Title V of the Act.

The Commission further holds, in the absence of evidence to the contrary, that the loss occurred on June 30, 1960, when all of the amount was due and payable.

The Commission has decided that in certification of losses 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.

CERTIFICATION OF LOSS

The Commission certifies that ROBERT J. KUHN 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 Three Hundred Six Dollars and Sixty-six Cents (\$9,306.66) with interest thereon at 6% per annum from June 30, 1960 to the date of settlement.

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

MAR 5 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, 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).)