

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

IN THE MATTER OF THE CLAIM OF

GENE L. SIMPSON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0316

Decision No. CU

3564

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, for \$54,790.00 was presented by GENE L. SIMPSON based upon the asserted loss of real and personal property in Cuba. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949, as amended [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 and her husband, Ellwood V. Simpson, who died July 7, 1965, had owned certain realty and personalty in Cuba prior to the latter's death and the widow has succeeded to her husband's interest. Mr. Simpson was a United States national since his birth. The Simpsons had left Cuba on June 29, 1960. The claim is for: (1) a commercial property with an eight room air conditioned house and small chicken farm located on approximately eight acres of land on the outskirts of Havana; (2) personal property located on the chicken farm; (3) a claim of \$4,000 for products sold and delivered to the Riviera Hotel in Havana; and (4) six unimproved lots on the Isle of Pines.

Claimant has furnished sufficient evidence as to the ownership and value of the Havana realty and personalty. She also has established her claim for the \$4,000 in merchandise sold and delivered which the Cuban Government refused to pay for after it nationalized the hotel.

On October 14, 1960, the Government of Cuba published in its Official Gazette, Special Edition, its Urban Reform Law. Under this law all transactions or contracts involving transfer of the total or partial use of urban properties was outlawed (Article 2). The law covered residential, commercial, industrial and business office properties (Article 15).

Based on the foregoing and the evidence of record, the Commission finds that claimant's real property located in Ceiba del Agua, San Antonio de los Banos in Havana, Cuba, was taken by the Government of Cuba pursuant to the provisions of the Urban Reform Law; that the taking occurred on October 14, 1960, the date on which the law was published in the Cuban Official Gazette. The Commission further finds that claimant's personal property located at the Havana property was taken by Cuban Government agents on that day, and the Commission finds that claimant has a valid account owed her by the Cuban Government as the current owner of the hotel to which she and her husband had sold merchandise.

Accordingly, the Commission concludes that claimant suffered a loss of certain real and personal property as well as an account receivable within the meaning of Title V of the Act; the value of the land and improvement being \$30,760.00 at the time of the loss, the value of the personal property being \$12,385.00, and the value of the account receivable, \$4,000.00.

Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$47,145.00 within the meaning of Title V of the Act, as the result of the taking of the above-described real and personal property by the Government of Cuba as of October 14, 1960.

As to the claim for the six lots on the Isle of Pines, valued by claimant at \$3,000.00, however, claimant has not submitted sufficient evidence to substantiate her ownership and that claim is accordingly denied.

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

CERTIFICATION OF LOSS

The Commission certifies that GENE L. SIMPSON succeeded to and 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 Forty-seven Thousand One Hundred Forty-five Dollars (\$47,145.00) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement.

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

MAR 18 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).)