

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

IN THE MATTER OF THE CLAIM OF

T. ROMANACH

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -0365

Decision No. CU 5400

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$51,109.00, was presented by T. ROMANACH based upon the asserted loss of certain improved real property in Havana, Cuba. Claimant has been a national of the United States since May 16, 1949.

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.

The record includes a copy of the inheritance proceedings in Cuba with respect to the estate of claimant's late mother, who died on November 23, 1954; a sketch of the properties in question; reports from abroad; and statements of claimant to the Internal Revenue Service. On the basis of the foregoing, the Commission finds that claimant, as sole heir of his mother, inherited the following items of real property:

1. A house and land at 124 Montoro Street, Havana, Cuba.
2. Buildings and land at 706-708 Desague Street, Havana, Cuba.
3. Buildings and land at 710-712 Desague Street, Havana, Cuba.

The Commission finds that the properties were within the purview of the Urban Reform Law, published in the Cuban Official Gazette on October 14, 1960. In the absence of evidence to the contrary, the Commission finds that the properties were taken by the Government of Cuba on October 14, 1960.

(See Claim of Henry Lewis Slade, Claim No. CU-0183, 1967 FCSC Ann. Rep. 39.)

The record shows that the house on Montoro Street had two apartments and that the other two items of real property included four apartments each. Claimants describe them as ten small apartments. It further appears that the properties were valued for inheritance purposes in 1956 in the amounts of \$8,000.00, \$14,000.00, and \$16,000.00, respectively, or the aggregate amount of \$38,000.00.

Claimant states that the rental income from the properties in 1959 was \$4,103.33, and that the Cuban tax authorities evaluated the properties at \$51,109.75. The evidence includes copies of claimant's tax returns showing that the Internal Revenue Service allowed claimant a tax deduction on the basis of the valuation of \$51,109.00.

Based upon the entire record, the Commission finds that the aggregate value of claimant's properties on October 14, 1960, the date of loss, was \$51,109.00. It is concluded that claimant sustained a loss in that amount within the meaning of Title V of the Act.


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 T. ROMANACH 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 Fifty-one Thousand One Hundred Nine Dollars (\$51,109.00) 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

JUL 22 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


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).)

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