

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

IN THE MATTER OF THE CLAIM OF

SIDNEY WINIKOFF

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -0418

Decision No. CU -6303

FINAL DECISION

By Proposed Decision dated August 4, 1971 the Commission certified a loss to SIDNEY WINIKOFF in the amount of \$5,231.31 for his 1/2 interest in real and personal property and stock interests in Cuban companies.

Thereafter additional evidence was received in this claim and the record now establishes that his former wife, Ida Winikoff, the owner of the other half of the property subject of this claim on the dates of loss was a national of the United States since her naturalization in 1942. The record also establishes that she had assigned or surrendered her 1/2 interest in this property upon her divorce in 1962. Accordingly the Commission finds that claimant's losses may be summarized as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Amount</u>
Stock interests	February 14, 1962	\$ 6,798.35
Lot	October 14, 1960	1,044.77
Furnishings	October 14, 1960	<u>2,619.47</u>
		\$10,462.59


In view of the foregoing, the Certification of Loss in the Proposed Decision is set aside, the following Certification of Loss will be entered, and in all other respects the Proposed Decision as amended herein is affirmed.

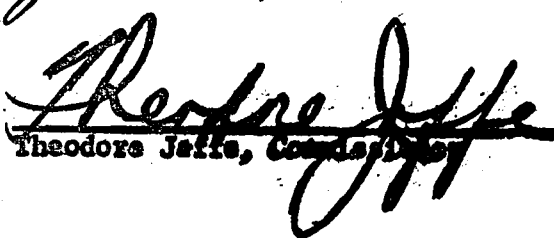
CERTIFICATION OF LOSS

The Commission certifies that SIDNEY WINIKOFF 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 Ten Thousand Four Hundred Sixty-Two Dollars and Fifty-Nine Cents (\$10,462.59) 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

SEP 1 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Co-Chairman

CU-0418

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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 SIDNEY WINIKOFF for \$13,911.04 based upon the asserted ownership and loss of real and personal property and stock interests in Cuban companies. Claimant has been a national of the United States since 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 owned by the Government of Cuba or be 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 describes his loss as follows:

Stock in Compania Cubana de Niples, S.A. (Niples)	\$ 7,500.00
Stock in Compania Cubana de Tubos, S.A. (Tubos)	500.00
A lot in Barreras, Havana	3,291.56
One-half interest in household furnishings	<u>2,619.48</u>
	\$ 13,911.04

Based on the evidence of record including stock certificates in the two Cuban corporations in the name of claimant, SIDNEY WINIKOFF, a copy of the contract of sale for the lot subject of this claim, a detailed list of the household furnishings, and other documents, the Commission finds that claimant owned interests in the real and personal property subject of this claim.

In addition, based upon evidence submitted in Claim of Pittsburgh Nipple Works, Inc., (Claim No. CU-0416) the Commission finds that claimant's stock interest comprised 25% of each of the Cuban corporations, and that these corporations were intervened by the Government of Cuba on February 14, 1962.

Under the Community Property Law of Cuba all property acquired by either spouse during coverture, except property acquired by gift or inheritance, is owned jointly by both spouses (see Claim of Robert L. Chaney, Claim No. CU-0915). The record discloses that claimant was married in 1931 and that he was divorced in 1962. Claimant indicates that his former wife was a United States national. Evidence of her United States nationality has not been received. Accordingly, in the absence of such evidence, so much of this claim as is based on her one-half interest cannot be considered.

In our decision entitled Claim of William P. Griffin and Esther M. Griffin (Claim No. CU-0417, which we incorporate by reference), the Commission found that Niples and Tubos were intervened by the Government of Cuba on February 14, 1962 and that their net worth was \$18,078.68 and \$9,114.73, respectively.

Accordingly, the Commission finds that claimant suffered losses in the amounts of \$2,259.84 and \$1,139.34, respectively, the value of his 12 1/2% stock interests in the two corporations, as the result of the taking of these companies by the Government of Cuba on February 14, 1962.

Lot in Barreras

The record establishes that this lot was in the same development known as Valle Alegre, S.A. as was the lot in the aforementioned decision (Claim No. CU-0417), adjacent to it and of substantially the same size. In that decision the Commission found that the property was taken on October 14, 1960 pursuant to the Urban Reform Law. Based on the evidence of record the Commission finds that the lot subject of this claim was taken on the same date, that claimant had paid in \$1,044.77 toward the purchase of the lot, and that he therefore suffered a loss of \$522.39 in this connection.

Household Furnishings

Based on all the evidence including the evidence submitted in the aforementioned Claim No. CU-0417, the Commission has found that the furnishings subject of this claim were jointly owned by claimant with William P. Griffin, co-claimant in Claim No. CU-0417 (supra), they were taken by the Government of Cuba on October 14, 1960, and that the value of the one-half interest therein was \$2,619.47. The Commission therefore concludes that claimant suffered a loss of one-half in this amount, or \$1,309.74 within the meaning of the Act.

Summary

Claimant's losses are summarized as follows:

State Interests	February 14, 1962	\$ 3,399.18
Lot	October 14, 1960	522.39
Furnishings	October 14, 1960	<u>1,309.74</u>
		\$ 5,231.31

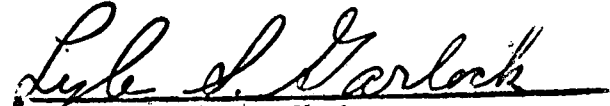
The Commission has decided that in certification of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644) and in the instant case it is so ordered.

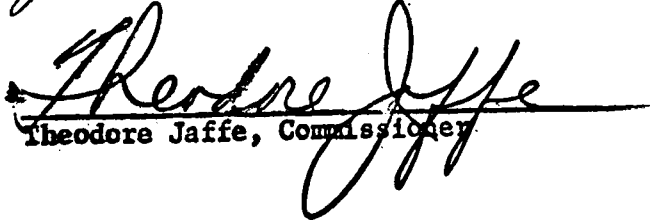
CERTIFICATION OF LOSS

The Commission certifies that SIDNEY WINIKOFF 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 Five Thousand Two Hundred Thirty-One Dollars and Thirty-One Cents (\$5,231.31) 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 Proposed  
Decision of the Commission

**AUG 4 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, any 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).)

CU-0418