

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

IN THE MATTER OF THE CLAIM OF

ROBERT SANGER DOLLINGER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 0930

Decision No. CU 055

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 \$966.55 was presented by ROBERT SANGER DOLLINGER and is based upon an asserted loss arising from the decrease in value of a stock interest in a Cuban enterprise. Claimant states that he 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.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant asserts that he was the owner of 100 shares of stock in Vertientes-Camaguey Sugar Company of Cuba; that he sold the subject shares on December 31, 1965 at a net loss of \$966.55; and he makes claim in that amount.

In support of his claim, claimant submitted a letter from the Treasurer of the Vertientes-Camaguey Sugar Company of Cuba, dated February 1, 1967, wherein it is stated that Certificate number 33269, dated March 2, 1959, representing 70 shares and Certificate number 31980, dated November 24, 1958, representing 30 shares had been registered in the name of claimant. Further, claimant submitted a stub reflecting account number 15-85-1892-1 in the net amount of \$40.71 which claimant asserts is the receipt for the sale of the stock on December 31, 1965. No other evidence was submitted.

Ownership of a stock interest in a foreign corporation vests, in the owner, two items of property: an interest in the net worth of the corporation and an interest in any claim for nationalization. Upon a sale of that stock interest, and in the absence of any specific reservation, the seller transfers all rights incident to that stock. Claimant has neither alleged nor proven that he retained any interest in a claim for the nationalization of corporate assets.

Therefore, while claimant may have had a claim for his interest in the nationalized company, he no longer owned a claim after the 1965 sale of his stock. The sole claim owned by him was for his interest in a corporation nationalized by the Government of Cuba; not for any decrease in the value of his stock shares. While claimant may have sustained a loss on the sale of his interest, it was not a loss on which the Commission, under the provisions of the Act, could render a favorable determination. (See the Claim of John A. Stiehler, FCSC Claim No. CU-2725).

Since claimant has not established that he retained any interest in a claim for the nationalization of the company, and since a claim for the decrease in value of his stock is not compensable under the Act, this claim must be, and is, denied.

The Commission deems it unnecessary to determine other elements of this claim.

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

20 DEC 1967

Edward D. Re
Edward D. Re, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

LaVern R. Dilweg
LaVern R. Dilweg, Commissioner

Francis MacKerrow
Francis MacKerrow,
Clerk of the Commission

This is a true and correct copy of the decision of the Commission which was entered as the final decision on _____

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).)