

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

IN THE MATTER OF THE CLAIM OF

MANUEL CASTRO

**Under the International Claims Settlement
Act of 1949, as amended**

Claim No. CU-0988

Decision No. CU 4891

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 MANUEL CASTRO for \$23,300.00 based upon the asserted ownership and 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 [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 asserts a loss of improved real property located at 8610 Avenue 199, Reparto El Fontanar, Marianao, Havana, Cuba, and the household furnishings located in the building on these premises, a 1955 Ford automobile and a savings account in the amount of \$325.00 in the National Bank of Cuba. In support of his claim, claimant has submitted a copy of a sworn statement issued January 25, 1966 before a notary public in Cuba and a copy of a receipt for a monthly payment on a mortgage on the claimed real property.

On the basis of the evidence of record, the Commission finds that claimant and his wife were the owners of the real property located at 8610 Avenue 199, Reparto El Fontanar, Marianao, Havana, Cuba, personal property located on the premises thereof and a 1955 Ford automobile when they left Cuba on December 27, 1966. The evidence is not sufficient to establish ownership of the claimed savings account at the time of claimant's departure from Cuba and claim therefor must be denied.

On December 6, 1961, the Cuban Government published its Law 989, which effectively confiscated all goods and chattels of persons who left Cuba. Claimant and his wife left Cuba on December 27, 1966. Accordingly, the Commission finds that the aforementioned real and personal property belonging to claimant and his wife was taken by the Government of Cuba on December 27, 1966 pursuant to Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

In arriving at the value of the property claimed, the Commission has considered the sworn statement of claimant, the mortgage statement, the purchase price and depreciation of the automobile and personal property. On the basis of the entire record, the Commission finds that on December 27, 1966 the value of the improved real property was \$14,100.00 (subject to a mortgage of \$4,504.85) and the personal property and automobile was \$5,093.34.

Accordingly, the Commission concludes that claimant sustained a loss in the amount of \$7,344.25 for his one-half interest in the personal property and real property, after deducting the balance due on the mortgage, 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 MANUEL CASTRO 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 Seven Thousand Three Hundred Forty-four Dollars and Twenty-five Cents (\$7,344.25) with interest thereon at 6% per annum from December 27, 1966 to the date of settlement.

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

MAY 27 1970


Lytle 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.

NOTE: Pursuant to the Regulations of the Commission, if no objections 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. 101.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)