

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

IN THE MATTER OF THE CLAIM OF

COMPANIA AZUCARERA ATLANTICA
DEL GOLFO

Claim No. CU -1132

Decision No. CU 4459

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimant:

Dewey, Ballantine, Bushby,
Palmer & Wood
By William C. Bush, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was filed by COMPANIA AZUCARERA ATLANTICA DEL GOLFO on behalf of its stockholders, based upon the nationalization by the Government of Cuba of its properties in Cuba.

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 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 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.

Section 502(1)(B) of the Act defines the term "national of the United States" as a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity.

Claimant corporation was organized in Cuba and does not qualify as a national of the United States under Section 502(1)(B), supra.

The corporation was authorized however to act as agent for its individual stockholders.

In our decision entitled Claim of Helen M. Drye (Claim No. CU-0807) we held that the properties of the Company in Cuba were nationalized or otherwise taken by the Government of Cuba on August 6, 1960 and that claims of individual stockholders of COMPANIA AZUCARERA ATLANTICA DEL GOLFO are compensable to United States nationals under the facts and conditions set forth therein. In that decision we set out the reasons and method used in determining the value per share of \$34.0560.

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Inasmuch as claimant herein does not qualify as a national of the United States under the Act, this claim is accordingly denied.

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

29 JAN 1970

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

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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