

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20577

IN THE MATTER OF THE CLAIM OF

CHARLES A. DAVIS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-1808

Decision No. CU- 4540

AMENDED PROPOSED DECISION

By Proposed Decision issued March 4, 1970, the Commission denied this claim for failure of proof. Claimant thereafter submitted additional evidence. The matter having been considered, it is

ORDERED that the Proposed Decision be and it is hereby amended.

Claimant, CHARLES A. DAVIS, who owned a participation interest in the Cuban-Venezuelan Oil Voting Trust and a stock interest in the Trans-Cuba Oil Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said enterprises.

In our decision entitled the Claim of Felix Heyman (Claim No. CU-0412, which we incorporate herein by reference), we held that the properties owned or controlled by the Trust were nationalized or otherwise taken by the Government of Cuba on November 23, 1959; and in our decision entitled Claim of D.R. Wimberly (Claim No. CU-3417 which we incorporate herein by reference), we held that the properties owned or controlled by that Company were nationalized or otherwise taken by the Government of Cuba also on November 23, 1959.

and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or method used in determining the value per unit of Cuban-Venezuelan Oil Voting Trust as \$0.11971; or value per share of Trans-Cuba Oil Company as \$0.1198 per share.

On the basis of evidence of record in the instant case, the Commission finds that this claimant comes within the terms of the Heyman and Wimberly decisions; that he was an American national at the requisite times; that he had been the owner of 200 units of participation in the Cuban-Venezuelan Oil Voting Trust and of 400 shares of stock in the Trans-Cuba Oil Company since prior to November 23, 1959; and that he suffered a loss in the amount of \$71.86 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959, to the date on which provisions are made for the settlement thereof (see Heyman and Wimberly, supra).


Accordingly, the following certification of loss will be entered and in all other respects the Proposed Decision is affirmed.

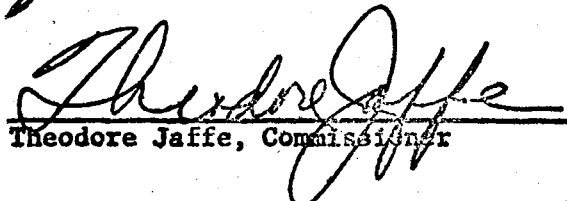
CERTIFICATION OF LOSS

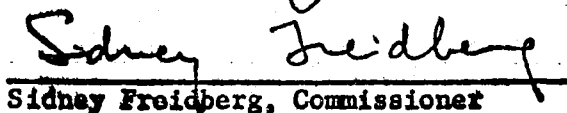
The Commission certifies that CHARLES A. DAVIS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seventy-One Dollars and Eighty-Six Cents (\$ 71.86 ) with interest at 6% per annum from November 23, 1959, to the date of settlement.

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

MAY 13 1970

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

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

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

IN THE MATTER OF THE CLAIM OF

CHARLES A. DAVIS

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -1808

Decision No. CU 4540

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 \$147.50, was presented by CHARLES A. DAVIS and is based upon the asserted loss of stock interests. 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.

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 asserted interests in Cuban-Venezuelan Oil Voting Trust, and later indicated he held an interest in Trans-Cuba Oil Company, Cuban entities.

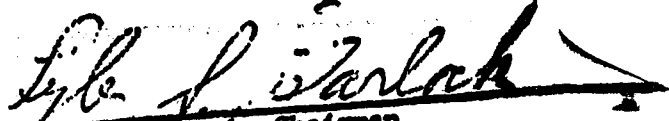
By Commission letter of June 22, 1967, claimant was advised as to the type of evidence proper for submission to establish this claim under the Act. Thereafter, by letter of November 1, 1967, the Commission made additional suggestions to claimant concerning the submission of supporting evidence in this matter. However, no evidence in response to this correspondence has been received to date.


CU-1808

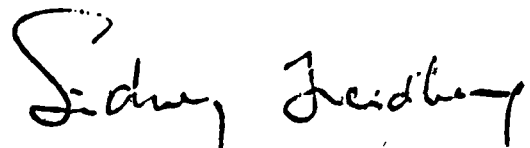
The Commission finds that claimant has not met the burden of proof in that he has failed to establish ownership of rights and interests in property which was nationalized, expropriated or otherwise taken by the Government of Cuba. Thus, the Commission is constrained to deny this claim and it is hereby denied. The Commission deems it unnecessary to make determinations with respect to other elements of the claim.

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

MAR 4 1970

  
Lyle S. Gaflock, Chairman

  
Theodore Jaffe, Commissioner

  
Sidney Freidberg, Commissioner

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