

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

IN THE MATTER OF THE CLAIM OF

JAMES P. HARTIG

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -2394

Decision No. CU 4384

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claim Settlement Act of 1949, as amended, was presented by JAMES P. HARTIG for \$300.00 based upon the asserted ownership and loss of an interest in real 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 [79 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 states that pursuant to a contract to purchase a lot in the Isle of Pines, Cuba, entered into on April 27, 1959, he agreed to pay \$10.00 monthly toward the contract price of \$1,088.00. Claimant states that after paying 30 installments a moratorium was granted by the seller.

Based upon the entire record, including a copy of the contract of sale and claimant's affidavit, and pursuant to Cuban law, the Commission finds that claimant owned the lot in question in the Isle of Pines, Cuba.

On December 6, 1961 the Cuban Government published its Law 989 which confiscated all assets, personal property and real estate, rights, shares stocks, bonds and securities of persons who had left the country. The Commission finds, in the absence of evidence to the contrary, that the subject real property was taken by the Government of Cuba on December 6, 1961 pursuant to the provisions of Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

Based on the entire record the Commission finds that the lot in question had a value of \$1,088.00, but that claimant owed the seller a total of \$788.00, which latter amount in fact is not claimed. Accordingly, the Commission concludes that claimant suffered a loss in the amount of \$300.00 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 JAMES P. HARTIG 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 Three Hundred Dollars (\$300.00) with interest at 6% per annum from December 6, 1961 to the date of settlement.

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

7 JAN 1970

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freidberg*

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.

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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