

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

IN THE MATTER OF THE CLAIM OF

BERTHA R. EISEN, EXECUTRIX
OF THE ESTATE OF
LEO EISEN, DECEASED

Claim No. CU-2432

Decision No. CU -

3723

Under the International Claims Settlement
Act of 1949, as amended

Counsel of claimant:

Lovett and Kreutzer
By Joel B. Miller, Esq.

PROPOSED DECISION

Claimant, BERTHA R. EISEN, EXECUTRIX OF THE ESTATE OF LEO EISEN, DECEASED, who owned a stock interest in Minimax Super-Mercados, S.A., asserts a claim in the amount of \$2,070.00 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decision entitled the Claim of Libby Holman Reynolds (Claim No. CU-1384 which we incorporate herein by reference), we held that the Company was intervened by the Government of Cuba on September 1, 1960, 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 the method used in determining the value per share of \$1.0023.

On the basis of evidence in the record in the instant case, the Commission finds that the decedent, and BERTHA R. EISEN, the beneficial owner of the claim come within the terms of the Reynolds decision; that they were American nationals at the requisite times; that LEO EISEN a United States national by birth owned 1,000 shares of stock in Minimax Super-Mercados, S.A. since prior to September 1, 1960; that upon his death testate subsequent to September 1, 1960, the claimant became the owner of the claim based on the aforesaid stock interest and that BERTHA R. EISEN, having been appointed Executrix of the Estate,

succeeded to and she suffered a loss in the amount of \$1,002.30 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 September 1, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Reynolds, supra.)

CERTIFICATION OF LOSS

The Commission certifies that BERTHA EISEN, EXECUTRIX OF THE ESTATE OF LEO EISEN, DECEASED, succeeded to and 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 One Thousand Two Dollars and Thirty Cents (\$1,002.30) with interest thereon at 6% per annum from September 1, 1960 to the date of settlement.

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

JUL 2 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

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 for 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 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).)