

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

IN THE MATTER OF THE CLAIM OF

JORGE A. LABARRAQUE

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2440

Decision No. CU -  
**6072**

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 JORGE A. LABARRAQUE for \$47,180.36 based on the asserted loss of agricultural land in Cuba. Claimant has been a national of the United States since his naturalization in 1957.

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 described his loss as one-third of certain inherited property devoted to sugar cane plantations. He has submitted copy of a "Summary of Action" by Cuban officials reflecting that the remainder of his one-third interest was taken as of January 15, 1962.

The Commission finds that claimant owned an interest in certain real and personal property in Cuba, and that it was taken by the Government of Cuba pursuant to the Cuban Agrarian Reform Laws. Documentation submitted by claimant, which he had submitted to the Internal Revenue Service, clarifies that five caballerias were taken from him in 1960, and in the absence of evidence to the contrary, the Commission finds these were taken on June 30, 1960; further, the record reflects that his remaining ten caballerias were taken on January 15, 1962.

In support of his claimed value, he submitted a copy of a balance sheet for the estate, as of June 3, 1959, reflecting assets in the amount of \$141,541.10 of which he has claimed one-third. However the balance sheet shows his capital account in amount of \$35,836.99 with surplus and profits which would raise his portion to \$42,384.51. However, his income tax return for 1962, with appended schedule, reflects that the land taken from him in 1960 had a value of \$5,781.02, the land taken in 1962 had a value of \$11,562.03, and his interest in personalty taken on January 15, 1962 had a value of \$10,341.54.

The Commission finds these evaluations fair and reasonable and concludes that claimant suffered a loss of \$5,781.02 on June 30, 1960 and a loss of \$21,903.57 on January 15, 1962, within the scope of Title V of the Act, as a result of the actions of the Government of Cuba.

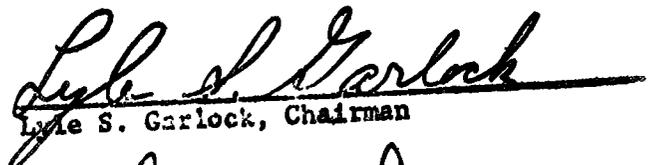
The Commission has decided that in certifications of loss on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered.

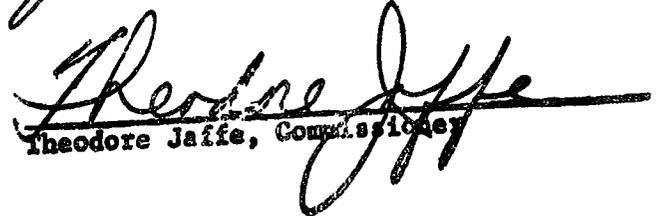
CERTIFICATION OF LOSS

The Commission certifies that JORGE A. LABARRAQUE 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 Twenty-Seven Thousand Six Hundred Eighty-Four Dollars and Fifty-Nine Cents (\$27,684.59) with interest at 6% per annum from the respective dates of loss to the date of settlement.

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

FEB 17 1971

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, 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 (1970).)