

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

IN THE MATTER OF THE CLAIM OF

HUBERT PARK BECK

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU-2928

Decision No. CU 6107

PROPOSED DECISION

Claimant, HUBERT PARK BECK, who owned bonds and stock of Cuban entities, asserts a claim in the amount of \$2,684.50 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said entities.

In our decision entitled the Claim of Kentucky Home Mutual Life Insurance Company (Claim No. CU-1339 which we incorporate herein by reference), we held that the properties of the Cuba Northern Railways Company were nationalized or otherwise taken by the Government of Cuba on October 13, 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 \$1000 bond of \$682.56 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Kentucky decision; that he was an American national at the requisite times; that he has been the owner of bonds in the original face amount of \$5,000 issued by Cuba Northern Railways Company, since prior to October 13, 1960; and that he suffered a loss in the amount of \$3,412.80 within the meaning of Title V of the Act in this connection.

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.

On the basis of evidence of record, the Commission finds that claimant acquired additional securities by purchase on the dates shown below for the consideration shown below:

	<u>Date of Purchase</u>	<u>Price Paid</u>
Cuba Northern bonds:		
Original face, \$5,000	December 4, 1963	\$187.50
Original face, \$2,000	October 13, 1965	57.50
Original face, \$5,000	January 24, 1967	175.00
Vicana Sugar Co.		
6% Income Debentures		
Face value, \$6,000	December 26, 1961	252.00
Face value, \$16,000	July 24, 1964	300.00
Republic of Cuba		
4-1/2% External Debt		
Face value, \$3,000	October 12, 1965	337.50
Cia. Azucarera Vertientes-		
Camaguey 100 shares	February 24, 1967	92.75
200 shares	March 7, 1967	190.50
200 shares	March 27, 1967	190.50
300 shares	April 10, 1967	285.75
Trans-Cuba Oil Company		
4,000 shares	March 2, 1967	458.00

Under the provisions of Section 504(a) of the Act, a claimant is required to establish that the claim for any loss has been continuously owned by a national or nationals of the United States from the date of loss to the date of filing with the Commission. The applicable dates of loss are as follows:

Cuba Northern Railway Company	October 13, 1960
Vicana Sugar Company	November 12, 1959
Republic of Cuba 4-1/2% bonds	December 31, 1960
Cia. Azucarera Vertientes-Camaguey	August 6, 1960
Trans-Cuba Oil Company	November 23, 1959

In similar cases, claimants have been unable to obtain information or evidence to establish the nationality of the owner of the securities on the date of loss, and to establish continuous United States ownership of the securities until the date on which claimant acquired them.

Evidence of record before the Commission discloses that securities of the type subject of this claim were almost entirely owned and traded by persons or firms having addresses in the United States. The Commission has considered whether an inference may be justified that the claimed securities were continuously owned by a national or nationals of the United States from the date of loss to the date on which purchased by the claimant, and, in the absence of evidence to the contrary, has concluded that the securities were continuously so owned. (See Claim of Samuel J. Wikler, et al., Claim No. CU-2571, 1968 FCSC Ann. Rep. 47.)

Section 507 of the Act provides, as to assignment of claims, that

(b) The amount determined to be due on any claim of an assignee who acquires the same by purchase shall not exceed (or, in the case of any such acquisition subsequent to the date of the determination, shall not be deemed to have exceeded) the amount of the actual consideration paid by such assignee, or in case of successive assignments of a claim by any assignee.

The Commission finds that claimant, as an assignee by purchase, acquired the claims for the losses sustained by the assignors of the claimed securities, but under the limitations provided in Section 507 of the Act (supra), is limited to \$2,527.00, the actual consideration paid for those securities acquired after the date of loss.

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.)

The Commission concludes, however, that the amount of loss sustained by claimant herein shall be increased by interest thereon

at the rate of 6% per annum from the dates shown below to the date on which provisions are made for the settlement thereof:

<u>FROM</u>	<u>ON</u>
October 13, 1960	\$3,412.80
December 26, 1961	252.00
December 4, 1963	187.50
July 24, 1964	300.00
October 12, 1965	337.50
October 13, 1965	57.50
January 24, 1967	175.00
February 24, 1967	92.75
March 2, 1967	458.00
March 7, 1967	190.50
March 27, 1967	190.50
April 10, 1967	285.75

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof. (See Claim of Eileen M. Smith, Claim No. CU-3038.)

CERTIFICATION OF LOSS

The Commission certifies that HUBERT PARK BECK 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 Five Thousand Nine Hundred Thirty-nine Dollars and Eighty Cents (\$5,939.80) with interest at 6% per annum from the aforesaid dates to the date of settlement.

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

**MAK 17 19/1**

  
Lyle S. Garlock, CHAIRMAN

  
Theodore Jaffe, 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 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).)