

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

IN THE MATTER OF THE CLAIM OF

FLORENCE IDA EDINGER
EDWARD P. EDINGER
GERTRUDE E. ELMER

Claim No. CU -2939

Decision No. CU 3226

Under the International Claims Settlement
Act of 1949, as amended

ORDER AND PROPOSED DECISION

This claim was filed originally by FLORENCE IDA EDINGER, a national of the United States since birth, asserting a claim against the Government of Cuba under Title V of the International Claims Settlement Act of 1949, as amended, based upon 3% Cumulative Income Debentures and Accrual Certificates issued by the Consolidated Railroads of Cuba.

Thereafter, petitions were filed by EDWARD P. EDINGER and GERTRUDE E. ELMER, brother and sister of FLORENCE IDA EDINGER and nationals of the United States since birth, for permission to join in the claim. Upon due consideration, it is

ORDERED that the petitions be and are hereby granted.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001) and the Claim of Meyer Lobsenz (Claim No. CU-1005), which we incorporate herein by reference, we held that the properties of the Consolidated Railroads of Cuba were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that claims of American nationals based upon debentures and accrual certificates of the type here involved are compensable under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value of each such \$5,000.00 bond to be \$5,945.41 including interest to October 13, 1960, and the value of each such accrual certificate to be the face value thereof.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Smith and Lobsenz decisions; that FLORENCE IDA EDINGER owned two 3% Income Debentures, each in the face amount of \$5,000.00, and one Accrual Certificate in the face amount of \$2,900.00, since prior to October 13, 1960; that her late brother, Harold O. Edinger, a national of the United States since birth, also owned two 3% Income Debentures, each in the face amount of \$5,000.00, and one Accrual Certificate in the face amount of \$2,900.00, since prior to October 13, 1960; and that each suffered a loss in the amount of \$12,900.00 within the meaning of Title V of the Act. The Commission further finds that Harold O. Edinger died on April 20, 1962, and that his claim against the Government of Cuba descended to the three claimants herein, in equal shares, so that each succeeded to a loss in the amount of \$4,300.00 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 October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith and Lobsenz, supra.)

CERTIFICATION OF LOSS

The Commission certifies that FLORENCE IDA EDINGER suffered and succeeded to 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 Seventeen Thousand Two Hundred Dollars (\$17,200.00), with interest at 6% per annum from October 13, 1960 to the date of settlement;

the Commission certifies that EDWARD P. EDINGER succeeded to 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 Four Thousand Three Hundred Dollars (\$4,300.00), with interest at 6% per annum from October 13, 1960 to the date of settlement; and

the Commission certifies that GERTRUDE E. ELMER succeeded to 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 Four Thousand Three Hundred Dollars (\$4,300.00), with interest at 6% per annum from October 13, 1960 to the date of settlement.

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

OCT 30 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

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].)

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.