

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

IN THE MATTER OF THE CLAIM OF

GERALD BRANDON

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-4255

Decision No. CU

4160

ORDER AND PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was opened by the Commission on behalf of GERALD BRANDON. Inasmuch as he did not contact the Commission within a reasonable time after return to the United States, the claim was dismissed by Order No. 130. Claimant, a national of the United States since birth, has now submitted evidence in support of his claim. Accordingly, it is

ORDERED that Order No. 130 be and it is hereby set aside.

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 contends that he has lost a bank account in Cuba having a balance of 10,517 pesos and personalty having a value of \$8,800. The record establishes that claimant and his wife had a balance of 10,516.18 Cuban pesos (the peso being on a par with the United States dollar) on deposit with the National Bank of Cuba. The Commission also finds that claimant and his wife owned certain personal property in Cuba. According to the provisions of the Cuban Community Property Law, claimant had a one-half interest in these items.

Law 989, published in the Official Gazette on December 6, 1961, in its terms nationalized by confiscation all goods and chattels, rights, shares, stocks, bonds and other securities of persons leaving Cuba. From the foregoing, the Commission finds that the above-described bank account, and certain personalty of claimant and his wife, were taken by the Government of Cuba on December 6, 1961, although they continued in possession until leaving Cuba. (See Claim of Floyd W. Auld, Claim No. CU-0020, 25 FCSC Semiann. Rep. 55 [July-Dec. 1966].)

In support of the item of personalty, claimant has submitted a detailed list with his asserted values. On this basis, and considering evidence the Commission has as to value of similar properties, the Commission finds that \$8,030 was the fair and reasonable value on the date of loss.

Accordingly, the Commission finds that claimant suffered a loss of \$9,273.09 within the meaning of Title V of the Act, as the result of the taking of the bank account and personalty by the Government of Cuba as of December 6, 1961.

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

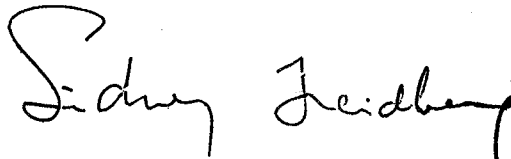
The Commission certifies that GERALD BRANDON suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Nine Thousand Two Hundred Seventy-three Dollars and Nine Cents (\$9,273.09) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

NOV 7 1969



Theodore Jaffe, Commissioner



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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