

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

IN THE MATTER OF THE CLAIM OF

GEORGE W. OLSEN
and
EMMA J. MILLER

Claim No. CU-7782

Decision No. CU-4967

Under the International Claims Settlement
Act of 1949, as amended

Represented by Cia. Azucarera Atlantica del Golfo

Counsel for Cia. Azucarera Atlantica del Golfo:

Dewey, Ballantine, Bushby, Palmer & Wood - By William C. Bush, Esq.

AMENDED PROPOSED DECISION

By Proposed Decision dated June 10, 1970, the Commission certified a loss in the amount of \$6,811.20 to GEORGE W. OLSEN for a one-half interest in 400 shares of stock issued by Cia. Atlantica del Golfo. The one-half interest owned by David N. Olsen was denied for lack of evidence of his United States nationality. Objections to the Proposed Decision were entered and evidence submitted which establish that David N. Olsen was a United States national from the time of his birth in 1890 and that he died in 1962 leaving his daughter EMMA J. MILLER as his only heir and survivor who is substituted as claimant herein. The matter has been considered and the Proposed Decision is hereby amended.

On the basis of the new evidence, the Commission now finds, that the claimants come within the terms of the decision in the Claim of Helen M. Drye (Claim No. CU-0807 which is incorporated herein by reference); that they were American nationals at the requisite times, that they or the predecessor in interest of EMMA J. MILLER have been the joint owners of 400 shares of stock in the Cia. Azucarera Atlantica del Golfo since prior to August 6, 1960; and that they suffered a loss in the amount of \$13,622.40 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 August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Drye, supra.)


Accordingly, the following additional Certification of Loss will be entered and in all other respects the Proposed Decision is affirmed.

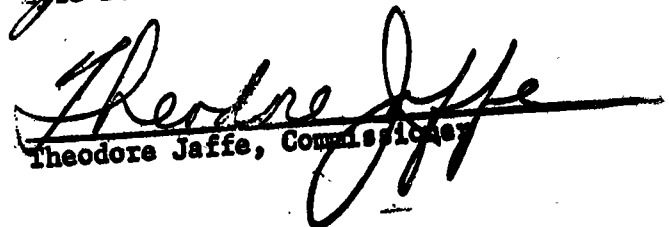
CERTIFICATION OF LOSS

The Commission certifies that EMMA J. MILLER 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 Six Thousand Eight Hundred Eleven Dollars and Twenty Cents (\$6,811.20) with interest thereon at 6% per annum from August 6, 1960 to the date of settlement.

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

MAY 26 1971


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 of 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 Amended 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).)

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

IN THE MATTER OF THE CLAIM OF

GEORGE W. OLSEN
and
DAVID N. OLSEN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -7782

Decision No. CU 4967

Represented by Cia. Azucarera Atlantica del Golfo

Counsel for Cia. Azucarera Atlantica del Golfo:
Dewey, Ballantine, Bushby, Palmer & Wood - By William C. Bush, Esq.

PROPOSED DECISION

Claimants, GEORGE W. OLSEN and DAVID N. OLSEN, who owned a stock interest in the Cia. Azucarera Atlantica del Golfo, assert a claim 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 Helen M. Drye (Claim No. CU-0807 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 6, 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 \$34.056.

On the basis of evidence in the record in the instant case, the Commission finds that claimant GEORGE W. OLSEN comes within the terms of the Drye decision; that he was an American national at the requisite times; that he has been the joint owner of 400 shares of stock in the Cia. Azucarera Atlantica del Golfo since prior to August 6, 1960; and that he suffered a loss in one-half the value thereof or in the amount of \$6,811.20 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 August 6, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Drye, supra.)

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.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (Supp. 1967).)

Claimant DAVID N. OLSEN has not established that he is a United States national. By Commission letter of January 2, 1969, claimant was advised, through GEORGE W. OLSEN, as to the type of evidence proper for submission to establish this claim under the Act, specifically, United States nationality of DAVID N. OLSEN.

On November 27, 1969, claimant was invited to submit the suggested evidence within 45 days from that date, and he was informed that, absent such evidence, it might become necessary to determine the claim on the basis of the existing record. No evidence has since been submitted.

The Commission finds that claimant DAVID N. OLSEN has not met the burden of proof in that he has failed to establish his United States nationality as required by the Act. Thus, the Commission is constrained to deny his portion of the claim and it is hereby denied.


CERTIFICATION OF LOSS


The Commission certifies that GEORGE W. OLSEN 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 Six Thousand Eight Hundred Eleven Dollars and Twenty Cents (\$6,811.20) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

JUN 10 1970


Lyda S. Garlock, Chairman


Theodore Jaffe, Commissioner


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 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.

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