

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

IN THE MATTER OF THE CLAIM OF

WALTER A. HAHN

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 8304

Decision No. CU **5932**

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 WALTER A. HAHN for \$9,276.21 based upon the asserted loss of personal property in Cuba. Claimant has been a national of the United States since July 9, 1932.

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.

The Commission's Regulations provide that claims under Title V of the Act (Cuban claims) shall be filed with the Commission on or before May 1, 1967 (FCSC Reg., 45 C.F.R. Sec.531.1(d) (1969); and further that any initial written indication of an intention to file a claim received within 30 days prior to the expiration of the filing period thereof shall be considered as a timely filing of a claim if formalized within 30 days after the expiration of the filing period. (Reg., Sec. 531.1(g))

No claim was filed with this Commission by or on behalf of claimant within the allowable period for timely filing of such claims, nor does the Commission have any record of any communication concerning his asserted loss.

The Commission has held, however, that it will accept for consideration on their merits claims filed after the deadline so long as the consideration thereof does not impede the determination of those claims which were timely filed. (See Claim of John Korenda, Claim No. CU-8255.) This is such a claim.

Claim is asserted for the loss of an interest in the Havana Biltmore Yacht and Country Club of Havana, Cuba and a deposit of personal funds left with Crusellas y Compania, S.A. of Cuba. Evidence of record establishes and the Commission finds that claimant was the owner of a Series A share issued by the Havana Biltmore Yacht and Country Club and of a deposit of 6,276.21 Cuban pesos (which have been determined to have a value equal to the dollar) with Crusellas y Compania, S.A.

The Commission has previously determined that a Series A share of Havana Biltmore Yacht and Country Club was worth \$3,500.00 on March 19, 1960, the day on which it was taken by the Government of Cuba. (See Claim of Arman E. Becker, Jr., Claim No. CU-1094.) The Commission has also held in the Claim of Colgate-Palmolive Company, Claim No. CU-0730, that Crusellas y Compania, S.A. was nationalized by the Government of Cuba on October 13, 1960.

Accordingly, the Commission concludes that claimant suffered a loss within the meaning of Title V of the Act in the amounts of \$3,500.00 and \$6,276.21 as a result of the actions of the Government of Cuba on March 19, 1960 and October 13, 1960.

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 the Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered as follows:

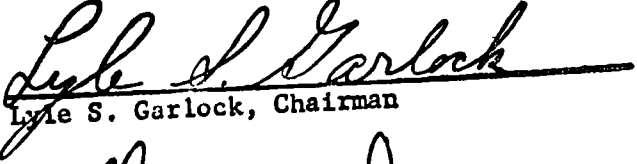
<u>From</u>	<u>On</u>
March 19, 1960	\$3,500.00
October 13, 1960	6,276.21

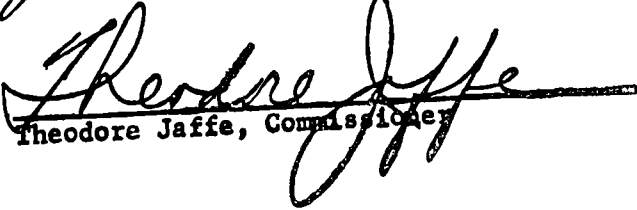
CERTIFICATION OF LOSS

The Commission certifies that WALTER A. HAHN 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 Seven Hundred Seventy-Six Dollars and Twenty-One Cents (\$9,776.21) with interest at 6% per annum from the dates of loss to the date of settlement.

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

NOV 4 1970


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, 32 Fed. Reg. 412-13 (1967).)

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