

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

IN THE MATTER OF THE CLAIM OF

CLARENCE UNCKLESS and
DORIS POZNAK, Executors
of the Estate of
MYRA S. ACKLES, Deceased

Claim No. CU-8511
Claim No. CU-8512

Decision No. CU 4882

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

George R. Thurston, Esq.

PROPOSED DECISION

These claims under Title V of the International Claims Settlement Act of 1949, as amended, were presented by DORIS W. POZNAK and Howard O. Ackles based upon the asserted ownership and loss of a stock interest in Compania Cubana, S.A. The record discloses that the stock interest, subject of these claims, was owned by MYRA S. ACKLES who died testate on November 6, 1964; that DORIS W. POZNAK and Howard O. Ackles are the beneficiaries of her estate and were United States nationals at the requisite times; that CLARENCE UNCKLESS and DORIS POZNAK had been appointed Executors of the Estate of MYRA S. ACKLES, Deceased, and that her estate has not been closed. In view of the foregoing, CLARENCE UNCKLESS and DORIS POZNAK, Executors of the Estate of MYRA S. ACKLES, Deceased, have been substituted as claimants herein.

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) (Supp. 1967)); 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 the claimants within the allowable period for timely filing of such claims, nor does the Commission have any record of any communication concerning their 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.

In our decision entitled the Claim of George E. Sanford (Claim No. CU-2923 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 \$78.0443.


On the basis of evidence in the record in the instant case, the Commission finds that this claim comes within the terms of the Sanford decision; that decedent had been an American national at the requisite times; that she had been the owner of 106 shares of stock in Compania Cubana, S.A. since prior to August 6, 1960; and that she suffered a loss in the amount of \$8,272.70 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 Sanford, supra.)

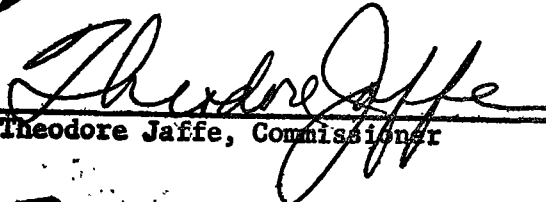
CERTIFICATION OF LOSS

The Commission certifies that CLARENCE UNCKLESS and DORIS POZNAK, Executors of the Estate of MYRA S. ACKLES, Deceased, succeeded to and 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 Eight Thousand Two Hundred Seventy-two Dollars and Seventy Cents (\$8,272.70) 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

MAY 20 1970


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

NOTICE TO TREASURY DEPARTMENT: Claimants may be the subject of another certification of loss in CU-7133.

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 claimants establish 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. 1.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)