

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

IN THE MATTER OF THE CLAIM OF

VINCENT PERI
and
ANDREW GALENO

Claim No. CU-8612

Decision No. CU -6781

Under the International Claims Settlement
Act of 1949, as amended

AMENDED FINAL DECISION

In its Proposed Decision the Commission found that the claimants were joint owners of 100 shares of Guantanamo stock and that it was purchased prior to August 6, 1960. A certification of loss in the amount of \$2,489.28 was issued to claimant VINCENT PERI. The claim of ANDREW GALENO was denied since he failed to establish that he was a national of the United States. The decision became final on September 27, 1971.

Claimant ANDREW GALENO has now submitted proof that he has been a national of the United States since birth, and the decision is amended.

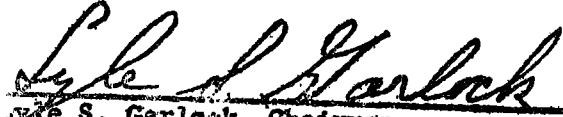
The following certification of loss will also be entered and in all other respects the Final Decision is affirmed.

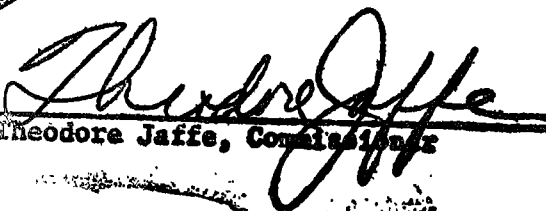
CERTIFICATION OF LOSS

The Commission certifies that ANDREW GALENO 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 Two Thousand Four Hundred Eighty-nine Dollars and Twenty-eight Cents (\$2,489.28) with interest at 6% per annum from August 6, 1960 to the date of settlement.

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

OCT 20 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 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.

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

IN THE MATTER OF THE CLAIM OF

VINCENT PERI
and
ANDREW GALENO

Claim No. CU-8612

Decision No. CU 6781

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

Claimants, VINCENT PERI and ANDREW GALENO, who owned a stock interest in Guantanamo Sugar Company, 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. Claimant VINCENT PERI has been a national of the United States since birth. ANDREW GALENO has not submitted evidence of United States nationality.

Under Title V of the International Claims Settlement Act of 1949 [79 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 70 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.

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) (1970).)

In our decision entitled the Claim of Henrietta Mae Siegel (Claim No. CU-3478 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 \$49.7856.

On the basis of the evidence of record the Commission finds that claimants jointly purchased 100 shares of Guantanamo stock prior to August 6, 1960.

On a number of occasions the Commission suggested that ANDREW GALENO submit evidence of his United States nationality as required by the Act. This he has not done and the Commission is constrained to and does deny his interest in this claim.


The Commission finds that VINCENT PERI suffered a loss in the amount of \$2,489.28 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 Siegel, supra.)

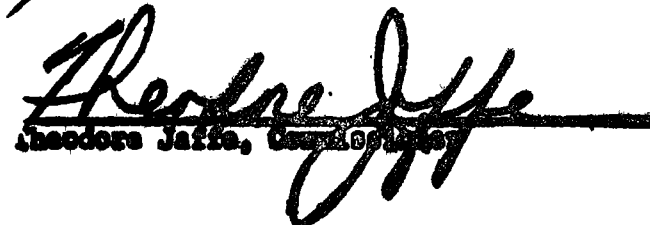
CERTIFICATION OF LOSS

The Commission certifies that VINCENT PERI 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 Two Thousand Four Hundred Eighty-Nine Dollars and Twenty-Eight Cents (\$2,489.28) 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

AUG 25 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, Commissioner

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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. 31.5(e) and (g), as amended (1970).)