

P-8 50% not owned at
Time of Filing (only at 1988)

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

IN THE MATTER OF THE CLAIM OF

JOHN WOOD INTERNATIONAL CORPORATION

JOHN WOOD PAN AMERICAN CORPORATION

Claim No. CU-0241
CU-0400

Decision No. CU 06

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were filed on July 16, 1965 presented by JOHN WOOD INTERNATIONAL CORPORATION and JOHN WOOD PAN AMERICAN CORPORATION based on unremitted proceeds of drafts covering shipments in 1958 and 1959 to consignees in Cuba.

Under Section 503 of the International Claims Settlement Act of 1949, as amended (64 Stat. 12; 69 Stat. 562; 72 Stat. 527; 78 Stat. 1110; 79 Stat. 988) the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. That section 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

(a) . . . 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 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.

Section 502 (1) of the Act defines the term "national of the United States" as . . . "(B) a corporation or other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, if natural persons who are citizens of the United States own, directly or indirectly, 50 per centum or more of the outstanding capital stock or other beneficial interest of such corporation or entity. . . ."

The General Counsel of the John Wood Company has informed the Commission by letter dated August 23, 1966, that claimant companies, JOHN WOOD CORPORATION and JOHN WOOD PAN AMERICAN CORPORATION, are Delaware and New York corporations, respectively, both of which are wholly owned subsidiaries of the John Wood Company, a Delaware corporation; and that while the John Wood Company was controlled by citizens of the United States at the times on which the merchandise was sold, since December 8, 1964 such company has been a wholly-owned subsidiary of a Canadian corporation which is largely publicly owned by Canadians.

From the foregoing, it is clear that the property upon which these claims are based was not owned continuously from the dates of any loss to the date of filing with this Commission by a corporation which qualifies as a national of the United States in that 50 per centum or more of its outstanding capital stock was not owned directly or

indirectly by natural persons who are citizens of the United States, as is required under the provisions of section 502(1)(B) of Title V of the Act.

Inasmuch as the outstanding capital stock of JOHN WOOD INTERNATIONAL CORPORATION and of JOHN WOOD PAN AMERICAN CORPORATION has not been owned to the extent of 50 per centum or more directly or indirectly by natural persons, citizens of the United States to the date of filing with this Commission, the Commission finds that the claims are not claims of nationals of the United States as defined in Section 502(1)(B) of the Act, and they are accordingly denied.

The Commission finds it unnecessary to make other determinations with respect to these claims.

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

SEP 28 1966

Edward D. Re

Edward D. Re, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

LaVern R. Dilweg

LaVern R. Dilweg, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 20 days after service or receipt of notice of this Proposed Decision upon the expiration of 30 days after such service or receipt of notice, the decision will be entered as the Final Decision of the Commission, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g) (1964))

CERTIFICATION

This is a true and correct copy of the decision of the Commission which was entered as the final decision on

CU-0241

CU-0400

NOV 30 1966

Thomas M. ...

Clerk of the Commission