

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

IN THE MATTER OF THE CLAIM OF

SANDERS AND NIEWALD

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0032

Decision No. CU

2117

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 Lewis H. Sanders, Paul H. Niewald and John C. Risjord, d.b.a., SANDERS AND NIEWALD, for \$10,320.32 and is based upon the asserted ownership and loss of a debt. Claimants have been nationals of the United States at all times pertinent to this claim.

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.

Claimants assert that they were employed as attorneys for Ultramar Inter-America Corporation to defend lawsuits against their insured, Thomas Manzella d.b.a. America Cab Company. The record discloses that claimants rendered bills to which was the managing agency of a Latin American pool syndicate.

In support of this claim, the claimant has submitted copies of the bills which constitute the claim. These total \$10,320.32 except that in a case involving one Robert Farr, the claimants acknowledge a previous payment of \$150.00, reducing the grand total to \$10,170.32.

The record discloses that Oficinas de Ultramar, S.A., was intervened by Resolution No. 473 pursuant to Law 899, published in the Cuban Official Gazette on October 14, 1960. This corporation was organized under the laws of the United States defined under Section 502(1)(B) of the Act. Claimants are therefore entitled to file this claim based upon the debt in question which represents a debt of an intervened enterprise within the purview of Section 503(2) of the Act. (See Claim of Edward R. Smith, Claim No. CU-5001.)

Based upon the evidence of record, the Commission finds that claimants were owed the sum of \$10,170.32 by Oficinas de Ultramar, S.A. and that, because of the act of the Government of Cuba on October 14, 1960 in intervening Oficinas de Ultramar, S.A., claimant was unable to collect this debt. Accordingly, the Commission concludes that claimants suffered a loss in the amount of \$10,170.32 within the meaning of Title V of the Act as the result of actions by the Government of Cuba.

The Commission has decided that in certification of losses 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 Claim of Lisle Corporation, Claim No. CU-0644.)

Accordingly, the Commission concludes that the amount of the loss sustained by claimants shall be increased by interest thereon at the rate of 6% per annum from October 14, 1960, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

CERTIFICATION OF LOSS

The Commission certifies that SANDERS AND NIEWALD 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 Ten Thousand One Hundred Seventy Dollars and Thirty-Two Cents (\$10,170.32) with interest thereon at 6% per annum from October 14, 1960 to the date of settlement.

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

JUL 24 1968

Leonard V. B. Sutton
Leonard V. B. Sutton, Chairman

Theodore Jarro
Theodore Jarro, Commissioner

Sidney Freidberg
Sidney Freidberg, 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).)