

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

IN THE MATTER OF THE CLAIM OF

CENTRAL WEST COMPANY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-3440

Decision No. CU 1069

Attorneys for claimant:

Guggenheimer & Untermyer
By Rudolph E. Uhlman, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, was presented by the CENTRAL WEST COMPANY, and is based upon the asserted loss of \$1,107,506.00, sustained in connection with the ownership of a stock interest in Compania Litografica de la Habana, S.A. (Havana Lithographing Company), hereinafter referred to as Havana Lithographing.

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.

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."

An officer of claimant corporation has certified that the claimant was incorporated in the State of Delaware, and that at all times between the date of loss and the presentation of this claim, more than 50 per centum of the outstanding capital stock of the claimant has been owned by United States nationals. Therefore, the Commission holds that claimant is a national of the United States within the meaning of Section 502(1)(B) of the Act.

A trust officer of The First National Bank of Chicago, which bank is the transfer agent of claimant corporation, states that as of May 2, 1967, the record date for claimant's 1967 annual stockholders' meeting, all of claimant's stockholders were residents of the United States and presumably United States nationals.

The record contains the following stock certificates held by or on behalf of the claimant, CENTRAL WEST COMPANY, issued on or prior to

July 7, 1959, and representing a total of 155,000 shares of common stock in Havana Lithographing, a corporation organized and incorporated under the laws of Cuba:

1. Certificate representing 74,300 shares.

CLH 3763

2. Certificates representing 100 shares each, inclusive.

CLHC 2211	CLHC 15157-15177	CLHC 21361
2214-2215	15194-15198	21371-21378
2232-2234	15248	21387-21388
2307	15314-15315	21429-21433
2382-2384	15323	21460
2390	15447-15454	21466-21469
12133	15456-15458	21476-21478
12211-12213	15569	21480-21493
12292	15597-15600	21513-21516
12295	15690-15705	21520-21523
12297-12299	18397-18467	21534-21542
12327-12328	18489-18629	21549
12601-12603	18650-18657	21560-21566
12605-12610	18727-18736	21576-21588
12614	18748-18752	21609
12630-12633	18806-18849	21943-21962
12645	18857-18881	21984-21995
12971	18907-18965	21997-22000
13034	18971	22030-22031
13037	18992-18993	22046-22067
13046-13047	19373	22075-22079
13160	19492-19501	22366-22375
13162	19748	22398-22409
14384-14387	19816	22462-22463
14614	19986	22475
14740	20419	22543-22549
14762-14763	20684-20689	22572-22581
14767-14771	20752	22799-22800
14801-14802	20913	22803-22807
14805	20915	22853
14842	20918	22873-22882
14844	20924-20928	22918-22927
14846-14848	20996-20997	22937
14855	21089	23005-23008
14861	21129	23165
14883	21177	23180
14887	21186-21187	23203-23204
14900	21252-21255	23334-23337
14903-14904	21282-21285	23339-23341
14955	21329-21330	24019-24020
14982-14998	21345-21349	24053-24054
15151	21357-21359	24501

The record also contains affidavits, with supporting documentation, by a General Partner of Hirsh & Co., a member firm of the New York Stock Exchange, by a Custody Officer of the Chase Manhattan Bank, a National

Association incorporated under the laws of the United States, and by Fred J. Young, President of the claimant, CENTRAL WEST COMPANY, and formerly President of Havana Lithographing; photostatic copies of the ledger sheets of claimant disclosing the dates of acquisition of the subject shares and the cost thereof; and a proxy statement prepared by Havana Lithographing, dated April 6, 1960. On the basis of all evidence of record, including the foregoing certificates and documentation, the Commission finds that claimant, CENTRAL WEST COMPANY, owned, continuously from the date of loss to the presentation of this claim, 155,000 shares of the Common Stock issued by Havana Lithographing.

On October 13, 1960, the Government of Cuba published Law 890, in its Official Gazette, which listed as nationalized Compañia Litografica de la Habana, S.A. Accordingly, the Commission finds that Havana Lithographing was nationalized by the Government of Cuba on October 13, 1960.

Among documentation submitted is the unaudited balance sheet, with supporting schedules, for Havana Lithographing as of July 31, 1960, prepared from the regular trial balance of Havana Lithographing, which documentation reflects the following (each amount stated in pesos, but having a like dollar equivalent):

A S S E T S

CURRENT ASSETS

Cash in Banks and on hand		\$ 25,638.23	
Accounts receivable:			
Customers	\$430,348.60		
Less reserve for doubtful accounts	<u>17,793.82</u>	412,554.78	
Inventories:			
Finished goods	\$110,976.83		
Work in progress	164,504.95		
Raw materials	350,633.85		
Materials and supplies	<u>35,116.33</u>	661,231.96	
Prepaid insurance		<u>10,774.45</u>	\$1,110,199.42

Investments Less Reserve (\$6,850.00)	\$ 13,062.00
Accounts Receivable - Other	4,035.60
Guarantee Deposit	1,500.00
Bonds Sinking Fund	750.41

1,129,547.43

FIXED ASSETS	<u>Book value</u>	<u>Reserves for depreciation</u>	<u>Net value</u>
Land	\$ 306,475.18	\$ -	\$306,475.18
Building	347,718.76	281,804.95	65,913.81
Machinery and plant	1,216,848.98	624,881.86	591,967.12
Furniture and fixtures	74,280.90	58,180.21	16,100.69
Trucks	15,587.17	10,770.91	4,816.26
	<u>\$1,960,910.99</u>	<u>\$975,637.93</u>	<u>\$985,273.06</u>

Machinery in process of installation and advance payments on machinery ordered	<u>24,012.99</u>	1,009,286.05
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DEFERRED CHARGES AND OTHER ASSETS

Expenses on reorganization of first mortgage bonds, less amortization	\$ 11,330.49	
Advance to officers and employees	11,056.22	
Miscellaneous	<u>1,427.63</u>	23,814.34

TOTAL ASSETS

\$2,162,647.82

L I A B I L I T Y and C A P I T A L

CURRENT LIABILITIES

Notes payable:		
To banks	\$140,000.00	
Others	14,323.78	
Accounts payable	77,994.37	
Accrued liabilities:		
Taxes	24,532.14	
Wages	2,600.00	
Interest on first mortgage bonds	9,333.35	
Commissions	6,000.00	
Employees retirement fund	<u>8,520.35</u>	\$ 283,303.99
4% FIRST MORTGAGE SINKING FUND BONDS	585,000.00	
Less bonds acquired to be cancelled	<u>25,000.00</u>	560,000.00
RESERVE FOR CONTINGENCIES		15,000.00

CAPITAL STOCK

6% cumulative convertible preferred stock: Authorized--30,000 shares of \$25 par value; issued--22,373.84 shares.	\$559,346.00	
Common stock (shares of \$0.10 par value): Authorized--750,000 shares; issued--540,218 shares.	<u>54,021.80</u>	
	\$613,367.80	
CAPITAL SURPLUS (paid-in)	<u>152,309.00</u>	765,676.80
SURPLUS (earned)		538,667.03
		<hr/>
	TOTAL LIABILITY AND CAPITAL	<u>\$2,162,647.82</u>

The balance sheet enumerates the assets, tangible and intangible, and the liabilities of the enterprise. The liabilities consist of outside creditor's claims, which are contractual in nature, and those of the owner, which are residual in nature. The excess of assets over contractual liabilities represents the owner's equity or the net worth of the company. The record indicates that Havana Lithographing authorized and had outstanding at the time of the loss, two classes of stock--(1) 6% Cumulative Convertible Preferred Stock of \$25.00 par value, and (2) Common Stock of \$0.10 par value.

Distribution of corporate assets resulting from winding-up operations of Havana Lithographing is governed by Section B of Article Seven and by Section C of Article Eight of its By-Laws, a copy of which is in the record.

Section B ("Preference as to Assets") of Article Seven ("Preferred Stock") provides that:

the holders of shares of Preferred Stock then outstanding shall be entitled to be paid twenty-five pesos (\$25.00), legal tender, per share, plus accrued dividends thereon to the date of payment....These payments to the holders of shares of Preferred Stock must be made before payment is made to the holders of Common Stock.

Accordingly, the holders of the 22,373.84 preferred shares outstanding at the time of loss would be entitled to \$25.00 per share plus any dividends

(under Section A of Article Seven of the By-Laws, such dividends are payable only out of the net profits and of the earned surplus), accrued to October 13, 1960, the date on which Havana Lithographing was nationalized. The proxy statement dated April 6, 1960, indicates that no dividends were in arrears on any share of the Preferred Stock, as of that date. Information available to the Commission discloses that three quarterly dividend payments of \$0.375 each, payable January 15, April 15 and July 15, 1960, were made on the Preferred Stock. An affidavit by Mr. Young, the former President of Havana Lithographing, discloses that the only dividends on the Preferred Stock, accrued and unpaid out of profits as of October 13, 1960, totalled \$8,390.00, representing dividends payable on October 15, 1960, or \$0.375 per share of the outstanding Preferred Stock. The Commission therefore finds that the dollar loss sustained in connection with ownership of Preferred Stock is \$25.375 per share as of the time of loss, of which \$25.00 per share issued, in the total amount of \$559,346.00 (item of Preferred Capital Stock on the balance sheet), represents that portion of the residual liabilities (capital) to be deducted with the contractual liabilities from the assets, in arriving at the net book value per share of common stock issued by Havana Lithographing. Moreover, \$8,390 will be deducted from the net value, which may be found, for the additional \$0.375 per share payable to holders of preferred stock.

Section C ("Participation in Company Assets") of Article Eight ("Common Stock") of the By-Laws provides further that:

after payment in full of the amounts required to be paid to the holders of the Preferred Stock then outstanding, the holders of the Common Stock then outstanding shall be entitled, to the exclusion of the holders of the Preferred Stock, to share ratably in all remaining assets of the Company.

The net assets available for distribution are to be calculated by deducting the liabilities and that portion of the capital investment listed

for the outstanding Preferred Stock, from the total assets. The same result may be reached by adding the capital investment attributable to the Common Stock, appropriate surplus reserves (not including reserves for depreciation, taxes and the like), and any undivided profit, as appropriate. From the resulting net figure will be further deducted the above mentioned \$8,390, payable to holders of Preferred Stock.

In the instant claim, it is noted that the item of \$15,000.00 listed on the balance sheet among the liabilities as "Reserve for Contingencies", is in fact a fund established from the surplus account as a credit for future expenses. Accordingly, the calculation of net book worth is as follows:

COMMON STOCK CAPITAL		\$ 54,021.80
SURPLUS		
Paid-in	\$152,309.00	
Earned	<u>538,667.03</u>	690,976.03
RESERVE FOR CONTINGENCIES		15,000.00
		<hr/>
	Net Book Worth	\$759,997.83

The Commission therefore finds that a net book value of \$759,997.83, less \$8,390.00, was available for distribution at the time of loss, among the 540,218 shares of Common Stock issued by Havana Lithographing, or \$1.3913 net book value per share of the subject common stock.

The Act provides in Section 503(a), that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including, but not limited to fair market value, book value, going concern value, or cost of replacement. It is frequently asserted that book values as listed in a company's financial statements are not always intended to reflect the market value of assets as of the date of any such statement.

Claimant avers its loss to be \$1,107,506.00, sustained in connection with the ownership of the subject stock interest, calculated at \$7.1452 the asserted fair market value per share of Common Stock held in Havana Lithographing. In support of this contention, claimant has submitted appraisals, valuations and estimates of specified assets, including certain appraisals dated May 30, 1960, September 29, 1967 and October 2, 1967, prepared by Luis Parajon, a partner from 1950 to 1960 in the firm of Parajon e Hijo, Havana, Cuba. Appraisals and valuations of the assets were said to have been computed on the following bases--land at replacement cost; plates, stones and artwork at "value-agreed" recommendations made to insurers by the appraisers prior to the time of loss; the remaining specified assets at "actual values, that is, replacement costs in 1960 less depreciation." Values so arrived at were generally founded on prior appraisals and inspections of the subject property conducted in 1953, 1954 and 1960. The appraisals and supporting evidence, which do not include good will nor intangibles of any kind, reflect the following evaluations by Mr. Parajon:

Land	\$1,200,000.00
Building	500,000.00
Machinery	1,000,000.00
Furniture and fixtures	50,000.00
Trucks(2) and automobile(1)	10,000.00
Plates, stones and artwork	300,000.00
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TOTAL	\$3,060,000.00

In addition, claimant asserts that the assets of Havana Lithographing should reflect certain items generally classified under the term "good will", in an amount of not less than \$200,000.00. Affidavits by Mr. Young, in support thereof, refer to the balance sheet annexed to Havana Lithographing's 1951 listing application to the New York Curb Exchange, contained in the record, which balance sheet reflects an item of good will valued at \$319,565.91 being amortized over a ten-year period from January 1, 1946. Mr. Young states

that the amortization of good will was for bookkeeping purposes only; and that in the case of a company with the long history and important position in the industry, of Havana Lithographing, that the good will had substantial value, which, in Mr. Young's opinion, was not less than \$200,000.00, as of the date of loss. Other than the foregoing affidavits and reference note contained in the 1951 listing application, the record contains no evidence concerning the value of the subject "good will" or the basis for computing the same, as of October 13, 1960, the date Havana Lithographing was nationalized by the Government of Cuba.

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) (Supp. 1967).)

The Commission has considered the record evidence and finds that it is insufficient to sustain the burden of proof with respect to the asserted value of "good will" and its inclusion among the assets, as herein claimed, and concludes that the item of "good will" shall not be taken into account in determining the value of Havana Lithographing Company. For the foregoing reason this item of claim is denied in arriving at the value of claimant's loss.

The record reflects that the item of Cash in Banks and on hand (\$25,638.23) included an account of \$509.47 maintained by Havana Lithographing in the Marine Midland Trust Company of New York and that it was used to discharge various corporate expenses and liabilities.

In considering the value of the land owned by Havana Lithographing, it is noted that the claimed value of \$2,000,000 is said to have been based on a 1958 offer to purchase it. No evidence has been submitted as to this offer, however. The land was carried on the books of the company at a value of \$306,475.18. It appears that this is equivalent to about \$15.00 per square meter. The building was erected thereafter, in 1925-1926. Mr. Parajon estimates the value of the land at \$60.00 per square meter, or \$1,200,000 "realizing its full potential", and further stating that undoubtedly its value was on the rise, but that the value he places thereon was a fair market value at the time of his appraisal or in 1960. Nevertheless, in arriving at a determination of just compensation for property taken, the Commission cannot include a figure based on the potential, future use of property. It is recognized that a portion of the land, approximately 9,300 square meters, was enhanced in value by the later improvements. Accordingly, based on the entire record, the Commission finds that the improved land had a value of \$30 per square meter, or \$279,000, and that the unimproved land, of approximately 11,000 square meters, had a value of \$20 per square meter, or \$220,000.

In considering the building, machinery and plant, and furniture and fixtures, the Commission first notes the book cost (apart from depreciation) and the relation of these figures to their whole:

Building	\$347,718.76	21%
Machinery and plant	1,216,848.00	74%
Furniture and fixtures	74,280.90	5%

The replacement value of the building is asserted as \$600,000, although the depreciated book value would be \$65,913.81. It is noted that in the Company's Listing Application No. 1777 to the New York Curb Exchange of August 29, 1951, the building and contents were insured in an amount of \$1,190,000 against loss by fire. There is some indication on record that the Company may have insured its property for 80 per cent of its worth. In such case the figure might be read as \$1,487,500. If 21 per cent were applicable to the building, its value at that time may have been \$312,375.

Mr. Parajon states that in 1953 his firm appraised the structure in the amount of \$410,000, new, and depreciated it 30% to \$287,000. In his submission of September, 1967, however, Mr. Parajon has added \$310,000 for foundations, underground ducts and conduits, ramps and courtyard, pavement and landscaping, trending the result to 1960, finding a replacement value of \$720,000. Thus he estimates the value of these various installations at 75 per cent of the building figure. He has depreciated the whole by the same 30 per cent, feeling that a well-maintained building would not depreciate further in the seven years from 1953 to 1960, that is, from the 28th to the 35th of its life.

The Commission is not convinced that the installations and other appurtenances mentioned had a value of 75 per cent of the structure, but concedes they had some value. Accordingly, considering the description of the building, as two-story in part, covering about 85,000 square feet of the land, and its uses, the Commission finds that the said installations and other appurtenances had a value of \$143,500, increasing the value of the structure to \$553,500, to which is applied the appraiser's rate of one per cent depreciation per year, for, however, 34 years, and finds the net value as \$377,793.28.

Claim was made for \$1,000,000 as the value of machinery and plant, furniture and fixtures, and vehicles. Mr. Parajon states that his firm evaluated the machinery in February, 1954, and again in May, 1960, applying depreciation and coming to a 1960 value of \$1,000,000 for insurance purposes, as cost of replacement, less the depreciation. At that time, in May 1960, Mr. Parajon recommended that the machinery be insured for \$800,000. He further states that about 50 per cent of the machinery was bought in the 1950's, 25 per cent in the late 1940's, and therefore only 25 per cent of the machinery was over ten years old. It is noted that in the 1951 Listing Application, the Company reported that the major part of the machinery was more than twenty years old. The President of the

Company has submitted a detailed listing of the machinery, totalling \$1,206,342.81, which he depreciates to \$572,503.69, which appears to be in accordance with the 5 per cent rate cited in the 1951 Listing Application. Mr. Parajon certifies that this is the machinery which he appraised in May, 1960. The cost listed in the books is \$1,216,848.00, depreciated to \$591,967.12. The Commission finds that \$591,967.12 is the fair value of the machinery.

The claim for furniture and fixtures is included in the \$1,000,000 above mentioned. It is noted that the book cost figure is \$74,280.90, and if the comparative 5 per cent figure, mentioned previously, is applied to the adjusted 1951 insurance figure, the result is \$74,375.00. However, the same 1951 Listing Application cites 10 per cent as the depreciation factor. The net book value is shown as \$16,100.69. Mr. Parajon has given a valuation figure of \$50,000 for this item, and states that this is strictly on recollection of the premises. The Commission finds that no substantiating evidence has been offered in support of a value higher than the net book value of \$16,100.69, and accordingly holds that this was the value of the furniture and fixtures at the time of loss.

Similarly, the vehicles, which apparently consisted of two trucks and one passenger car, are valued by Mr. Parajon at \$10,000 on the basis of his recollections. The cost figure is recited on the books as \$15,587.17. According to the 1951 Listing Application a depreciation figure of 15 per cent was applicable. The net book value is \$4,816.26. The Commission finds that no substantiating evidence has been offered in support of a higher value, and accordingly holds that \$4,816.26 was the value of the vehicles at the time of loss.

Claim is also made for fair market value of plates, stones and artwork. These are evaluated at \$300,000 by Mr. Parajon. He states they

were not included in the 1954 and 1960 appraisals because they were a unique commodity and that he advised the insurance companies to insure them on a "value-agreed" basis, to be made at the time a policy was to be written on them. The recommendation of his firm was that this value should not be less than \$100,000, and more likely should be around \$300,000. The Commission recognizes that the properties had some value, but finds that no substantiating evidence has been offered in support of the asserted value of \$300,000 and holds that the value of these properties at the time of loss was \$100,000.

Accordingly, after the foregoing substitutions are made, the Commission finds the asset values as follows:

CURRENT ASSETS		\$1,129,547.43	
	Less	<u>509.47</u>	\$1,129,037.96
FIXED ASSETS			
Land		499,000.00	
Building		377,793.28	
Machinery and plant		591,967.12	
Furniture and fixtures		16,100.69	
Trucks		4,816.26	
Machinery in process of installation and advance payments on machinery ordered		24,012.99	
Plates, stones and artwork		<u>100,000.00</u>	1,613,690.34
DEFERRED CHARGES AND OTHER ASSETS			
Expenses on reorganization of first mortgage bonds, less amortization		11,330.49	
Advance to officers and employees		11,056.22	
Miscellaneous		<u>1,427.63</u>	23,814.34

The assets of Havana Lithographing are thereby increased to \$2,766,542.64.

The calculation of net worth is therefore as follows:

ASSETS			2,766,542.64
DEDUCT:			
Current Liabilities	283,303.99		
Reduced by	<u>509.47</u>	282,794.52	
Long-term Liabilities		560,000.00	
Preferred Stock Capital (issued)		<u>559,346.00</u>	1,402,140.52
		NET WORTH	<u>\$1,364,402.12</u>

The Commission has considered carefully all evidence of record, and finds that the net value of \$1,364,402.12 for Havana Lithographing is the most appropriate to the property and equitable to the claimant, and finds that such net worth less \$8,390, or \$1,356,012.12, is the amount that would have been available at the time of loss for distribution among the 540,218 shares of Common Stock issued by Havana Lithographing. The Commission thus concludes that the dollar loss sustained in connection with the ownership of a Common Stock interest in Compania Litografica de la Habana, S.A. (Havana Lithographing Company), was \$2.51 per share of common stock issued and held at the time of loss.

The Commission notes in the 1951 Listing Application the report that the land, building, machinery and fixtures were subject to a mortgage of \$895,000, which was the amount of the outstanding debt in connection with 4% First Mortgage Sinking Fund Bonds, due August 31, 1971. In a statement made by the President of the Company in July, 1960, it is said that practically all of these bonds are owned by the Trust Company of Cuba, which purchased the original issue of \$1,000,000 in the latter part of 1946. Inasmuch as the debt representing these bonds is reflected in the balance sheet, the Commission holds that it would be inappropriate in this instance to make any further adjustment on account of the mortgage.

Accordingly, in the instant claim, the Commission finds that claimant, CENTRAL WEST COMPANY, as holder of 155,000 shares of the Common Stock, suffered a loss in the amount of \$389,050.00 within the meaning of Title V of the Act, as a result of the nationalization of Compania Litografica de la Habana, S.A. by the Government of Cuba on October 13, 1960.

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 the Claim of Lisle Corporation, FCSC Claim No. CU-0644).

The Commission therefore concludes that the amount of the loss sustained by claimant shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date on which the loss occurred, to the date on which provisions are made for the settlement thereof.

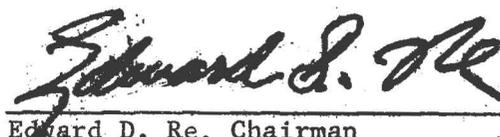
CERTIFICATION OF LOSS

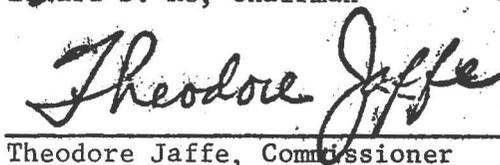
The Commission certifies that CENTRAL WEST COMPANY sustained a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Three Hundred Eighty-Nine Thousand Fifty Dollars (\$389,050.00) with interest thereon at 6% per annum from October 13, 1960 to the date of settlement.

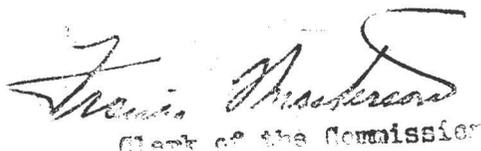
Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

JAN 31 1968

This is a true and correct copy of the decision
of the Commission which was entered as the final
decision on MAR 4 1968


Edward D. Re, Chairman


Theodore Jaffe, Commissioner


Francis M. Anderson
Clerk of the Commission

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).)

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 TO TREASURY DEPARTMENT: The above-listed certificates may have been returned to claimant and no payment should be made until they are resubmitted.