

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

IN THE MATTER OF THE CLAIM OF

CESAR ALONSO

Claim No. CU -0547

Decision No. CU 4300

Under the International Claims Settlement  
Act of 1949, as amended

Counsel for claimant:

Weinstein & Weinstein  
By Leonard O. Weinstein, Esq.

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 CESAR ALONSO for \$3,685.00 based upon the asserted ownership and loss of personal property and currency in Cuba. Claimant has been a national of the United States since his naturalization in 1947.

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.

Claimant describes his loss as including \$1,800.00 taken from him upon departure from Cuba; and \$1,885.00 for furnishings taken from his apartment on or about March 10, 1960.

Based upon the entire record, including a Cuban Customs receipt; as well as affidavits and receipts for personalty sold, the Commission finds that claimant owned 1,800 pesos in currency which was taken from him on February 9, 1960, by an agent of the Cuban Government. The peso was on a par with the United States dollar.

The Commission further finds that claimant was the owner of household furnishings including bedroom sets, a dining room set, a living room set as well as television sets acquired prior to his marriage to Olga Gonzalez Duarte.

At the request of claimant in 1960, subsequent to his departure, an acquaintance visited the apartment on about March 10, 1960 to take charge of claimant's property, but found the apartment sealed, with notice that the contents were confiscated.

Accordingly, the Commission finds that claimant suffered losses on February 9, 1960 and March 10, 1960, within the scope of Title V of the Act, as a result of taking of his property on those dates, by the Government of Cuba. (See Claim of Jack Moss, Claim No. CU-0225, 25 FCSC Semiann. Rep. 52 [July-Dec. 1966].)

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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.

The record includes, in support of the claimed values, sales receipts and an affidavit from the supplier of certain of the personalty.

Based on the entire record, after due depreciation, the Commission finds that the claimant's household furnishings had a value of \$1,347.90. Accordingly, the Commission concludes that claimant suffered a loss in the total amount of \$3,147.90 within the meaning of Title V of the Act, as the result of the taking of his property by the Government of Cuba.

So much of the claim as may be based upon a refrigerator is denied as the record shows that this was purchased by Olga Gonzalez Duarte, prior to her marriage to claimant. Olga Alonso is not a national of the United States.

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), and in the instant case it is so ordered.

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CERTIFICATION OF LOSS

The Commission certifies that CESAR ALONSO 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 Three Thousand One Hundred Forty-seven Dollars and Ninety Cents (\$3,147.90) with interest at 6% per annum from the respective dates of taking to the date of settlement.

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

DEC 10 1968

*Theodore Jaffe*

Theodore Jaffe, Commissioner

*Sidney Freilinger*

Sidney Freilinger, 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).)