

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

IN THE MATTER OF THE CLAIM OF

MAX RAHN
MARIA PINTADO RAHN

Claim No. CU -1086

Decision No. CU 354

Under the International Claims Settlement
Act of 1949, as amended

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$16,200.00, was presented by MAX RAHN and MARIA PINTADO RAHN and is based upon the asserted ownership and loss of personal property. Claimants, MAX RAHN and MARIA PINTADO RAHN, have been nationals of the United States since their naturalization on August 17, 1933 and May 21, 1937, respectively.

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 contend that they resided in an eight-room apartment located at No. 116 Calle 28, Miramar, Havana, Cuba; that they returned to the United States in late 1960 with only their clothing, leaving behind their household and personal effects, including a 1955 Ford Sedan; and that they have never since returned to Cuba.

In support of their contentions, claimants have submitted two third-party affidavits from individuals with personal knowledge of claimants and their property in Cuba, a copy of a letter dated October 13, 1960 from claimant, MAX RAHN, to the Department of State, and claimants' own detailed inventory.

On December 6, 1961, the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. As the record shows, claimants resided in the United States at that time.

Based upon the entire record, the Commission finds that claimants, MAX RAHN and MARIA PINTADO RAHN, were the owners, in equal parts, of certain personal property, including household and personal effects and a 1955 Ford Sedan, located at the aforementioned apartment at No. 116 Calle 28, Miramar, Havana, Cuba. The Commission finds, in the absence of evidence to the contrary, that the subject personal property was taken by the Government of Cuba on December 6, 1961, pursuant to the provisions of Law 989.

Upon consideration of the entire record, including the Commission's independent investigation, the Commission finds that the personal property thus lost had a total value of \$4,800.00. Accordingly, the Commission concludes that claimants, MAX RAHN and MARIA PINTADO RAHN, each suffered a loss in the amount of \$2,400.00, within the meaning of Title V of the Act.

The Commission has decided that in payment of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be allowed 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).

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 December 6, 1961, 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 MAX RAHN 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 Dollars (\$2,400.00) with interest thereon at 6% per annum from December 6, 1961, to the date of settlement; and

the Commission certifies that MARIA PINTADO RAHN 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 Dollars (\$2,400.00) with interest thereon at 6% per annum from December 6, 1961, to the date of settlement.

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

OCT 4 1967

Edward D. Re
Edward D. Re, Chairman

This is a true and correct copy of the decision of the Commission which was entered as the final decision on 6 NOV 1967

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 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).)