

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

IN THE MATTER OF THE CLAIM OF

ANDREW NOTARGIACOMO
and
MARGUERITE NOTARGIACOMO

Claim No. CU-2235
Claim No. CU-2236

Decision No. CU 3451

Under the International Claims Settlement
Act of 1949, as amended

Counsel for claimants:

William M. Bennett, Esq.

PROPOSED DECISION

Claimants, ANDREW NOTARGIACOMO and MARGUERITE NOTARGIACOMO, who owned securities of the Consolidated Railroads of Cuba, assert a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Railroad.

The Commission finds that claimants were the joint owners of 3% Income Debentures of the Consolidated Railroads of Cuba, in the total face amount of \$3,500.00; and that MARGUERITE NOTARGIACOMO was the owner of 25 shares of preferred stock of the Consolidated Railroads.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001) and Claim of Cora W. Welsh (Claim No. CU-2503) which we incorporate herein by reference, we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per \$1,000.00 3% Income Debenture as \$1,189.08 including interest to October 13, 1960; and the value per preferred share of this Railroad as \$272.00.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants come within the terms of the Smith decision; that they were American nationals at the requisite times; and that they owned the above-described securities since prior to October 13, 1960.

Accordingly, the Commission finds that ANDREW NOTARGIACOMO and MARGUERITE NOTARGIACOMO jointly suffered a loss of \$4,161.78 in connection with the Income Debentures; and that MARGUERITE NOTARGIACOMO suffered a loss of \$6,800.00 in connection with the Consolidated Railroad preferred stock. Further, the Commission finds that the amount of loss as sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, supra.)

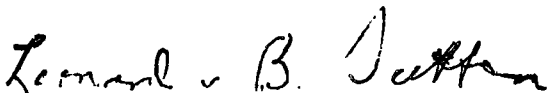
CERTIFICATION OF LOSS

The Commission certifies that ANDREW NOTARGIACOMO and MARGUERITE NOTARGIACOMO jointly 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 Four Thousand One Hundred Sixty-one Dollars and Seventy-eight Cents (\$4,161.78) with interest at 6% per annum from October 13, 1960 to the date of settlement; and


the Commission certifies that MARGUERITE NOTARGIACOMO 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 Six Thousand Eight Hundred Dollars (\$6,800.00) with interest 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

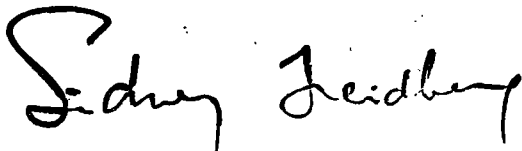
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Leonard v. B. Sutton, Chairman



Theodore Jaffe, Commissioner



Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimants establish retention of the securities for the loss here certified.

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].)