

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

IN THE MATTER OF THE CLAIM OF

JACK H. PELANDER

Claim No. CU -2302

Decision No. CU -2982

Under the International Claims Settlement
Act of 1949, as amended

Appeal and objections from a Proposed Decision entered September 4,
1968; No oral hearing requested; hearing on the record.

Hearing on the record held on October 9, 1968.

FINAL DECISION

The Commission issued its Proposed Decision in this claim on September 4, 1968, wherein a Certification of Loss was made in favor of the claimant, JACK H. PELANDER, for \$131.68, based upon his ownership and loss of 1100 units of participation in the Cuban Venezuelan Oil Voting Trust of Cuba.

Claimant objected to the Proposed Decision, stating that he sustained a loss far in excess of the amount certified; that his loss was that amount he paid for the units of participation at time of purchase in 1956, or approximately \$3,000.00; and that "book value" of the Cuban Venezuelan Oil Voting Trust at time of nationalization or other taking on November 23, 1959, is not a true measure of the loss suffered by claimant.

The Commission has previously determined, however, that under the provisions of Title V of the Act a claim does not arise until the property, subject of the claim; has been nationalized or otherwise taken by the Government of Cuba. The Commission considers all available data in reaching an evaluation of the property but such evaluation must be determined on the basis of the value of the property when the claim arose, or, at the time of loss. (See Claim of Felix Heyman, Claim No. Cu-0412.)

Full consideration having been given to the objections of the claimant, and the entire record having been reviewed, and general notice of the Proposed Decision having been given by posting for 30 days, it is

ORDERED that the Proposed Decision be and the same is hereby entered as the Final Decision of the Commission in this claim; and that the sum of \$131.68 be certified in favor of claimant to the Secretary of State.

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

OCT 16 1968

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Freidberg

Sidney Freidberg, Commissioner

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

IN THE MATTER OF THE CLAIM OF

JACK H. PELANDER

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU - 2302

Decision No. CU - 2982

Counsel for claimant:

PROPOSED DECISION

Claimant, JACK H. PELANDER, who owned a participation interest in the Cuban Venezuelan Oil Voting Trust, asserts 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 Trust.

In our decision entitled the Claim of Felix Heyman (Claim No. CU-0412 which we incorporate herein by reference), we held that the properties owned or controlled by the Trust were nationalized or otherwise taken by the Government of Cuba on November 23, 1959, 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 unit of \$0.11971.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Heyman decision; that he was an American national at the requisite times; that he has been the owner of 1100 units of participation in the Cuban Venezuelan Oil Voting Trust since prior to November 23, 1959; and that he suffered a loss in the amount of \$ 131.68 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from November 23, 1959, the date of loss, to the date on which provisions are made for the settlement thereof. (See Heyman, supra.)

CERTIFICATION OF LOSS

The Commission certifies that JACK H. PELANDER 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 One Hundred Thirty-One Dollars and Sixty-Eight Cents (\$131.68) with interest at 6% per annum from November 23, 1959, the date of loss, to the date of settlement.

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

SEP 4 1968

Leonard v. B. Sutton
Leonard v. B. Sutton, Chairman

Theodore Jaffe
Theodore Jaffe, Commissioner

Sidney Freidberg
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 claimant establishes 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].)