

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES

WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

LUCIANO A. SERVADIO

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -2364

Claim No. CU-3643

Decision No. CU

3502

PROPOSED DECISION

Claimant, LUCIANO A. SERVADIO, who owned securities of Cuba Railroad Company, and Guantanamo & Western Railroad, filed these claims in the total amount of \$53,500 under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said railroads.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001), Claim of Joseph Gans (CU-1720) and Claim of Olive L. Fair (CU-8104), which we incorporate herein by reference, we held that the properties of these railroads 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. The Commission finds that claimant owned \$20,000 face value 3% Income Debentures of the Consolidated Railroads; \$16,000 original face value Cuba Railroad First Mortgage bonds, and \$49,000 face value Guantanamo & Western Railroad bonds. We need not again detail here the reasons or the

method used in determining the value for each \$5,000 Consolidated Railroad 3% Income Debenture as being \$5,945.41, including interest to October 13, 1960; the value for each \$1,000 Cuba Railroad First Mortgage bond as being \$492.86, including interest to October 13, 1960; and the value for each \$1,000 Guantanamo & Western Railroad bond as being \$1,071.36, including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Smith, Gans, and Fair Decisions; that he was an American national at the requisite times; that he has been the owner of the above securities since prior to October 13, 1960; and that he suffered a loss in the amount of \$84,164.04 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 October 13, 1960, the date of loss, to the date on which provisions are made for the settlement thereof. (See Smith, Gans, and Fair, supra.)

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimant. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimant as the extent thereof.

CERTIFICATION OF LOSS

The Commission certifies that LUCIANO A. SERVADIO 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 Eighty-four Thousand One Hundred Sixty-four Dollars and Four Cents (\$84,164.04) 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

FEB 5 1969

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Feidberg

~~*Sidney Feidberg*~~

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].)