

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

IN THE MATTER OF THE CLAIM OF

EDWARD MARQUES

Claim No. CU-3850

Decision No. CU-6831

Under the International Claims Settlement  
Act of 1949, as amended

Petition to reopen; Order of Dismissal dated and entered October 21, 1969.

FINAL DECISION

This claim was opened by the Commission because it appeared that claimant was outside this country and was unable to return to the United States. Under date of October 21, 1969, the Commission entered an Order dismissing this claim for the reason that claimant failed to assert a claim against the Government of Cuba.

Claimant has submitted proof of his United States nationality and evidence establishing the validity of his claim under Title V of the Act.

Upon consideration of the new evidence, the Commission now finds as follows: Claimant, a United States national since birth, and his wife, a nonnational of the United States each owned a 1/2 interest in a certain residential lot in the Alturas de Embil Subdivision of Havana, Cuba, pursuant to the community property laws of Cuba. (See Claim of Margaret L. Cheaney, et ux; Claim No. CU-0915.)

On December 6, 1961, the Cuban Government published Law 989, which effected the confiscation of all properties in Cuba belonging to persons who left that country. The Commission finds that this law applied to claimant who left Cuba on August 14, 1969. In the absence of evidence to the contrary, the Commission finds that the said residential lot was taken by the Government of Cuba on August 14, 1969 pursuant to Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

Although the claim was timely filed and whereas it appears that the loss arose subsequent to the close of the period for filing claims of this nature against the Government of Cuba, the Commission has held that it will consider on their merits claims for losses sustained subsequent to the deadline, so long as consideration thereof does not impede the determination of claims which arose prior to the close of the filing period. (See Claim of Vivian Morales, Claim No. CU-8739.)

Based on the evidence of record, the Commission finds that the value of the lot on the date of loss was \$3,841.49.

The Commission finds that claimant owned a 1/2 interests in a 1955 automobile and other personal property, including household possessions, maintained at his residence in Havana, Cuba. The Commission further finds that said automobile and other personal property were taken by the Government of Cuba on August 14, 1969 pursuant to Law 989.

Upon consideration of the entire record, the Commission finds that the aggregate value of the personal property, including the automobile, on the date of loss was \$2,564.57 after appropriate reductions for depreciation.

Since the real and personal property had an aggregate value of \$6,406.06, claimant's interests therein had an aggregate value of \$3,203.03.

The Commission has decided that in certifications of loss 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.

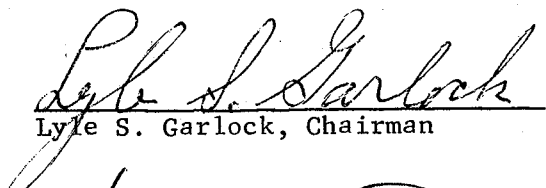
Accordingly, the following Certification of Loss will be entered.

CERTIFICATION OF LOSS

The Commission certifies that EDWARD MARQUES 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 Two Hundred Three Dollars and Three Cents (\$3,203.03) with interest thereon at 6% per annum from August 14, 1969 to the date of settlement.

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

**JUN 30 1972**

  
Lyle S. Garlock, Chairman

  
Kieran O'Doherty, 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.