

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

IN THE MATTER OF THE CLAIM OF

MARY BUCCHIERI, EMMANUEL BUCCHIERI,
FRANCES B. SPEZZANO, THERESA BUCCHIERI
SALVATORE BUCCHIERI, CLARA BUCCHIERI
and GELSOMINA BUCCHIERI MEDEIROS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU -4960
Claim No. CU-4961

Decision No. CU

3552

PROPOSED DECISION

These claims against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, were presented by MARY BUCCHIERI on her own behalf and on behalf of the ESTATE OF AGRIPPINO BUCCHIERI, DECEASED. Agrippino Bucchieri died in 1958, survived by his wife MARY BUCCHIERI, and six children, EMMANUEL BUCCHIERI, FRANCES B. SPEZZANO, THERESA BUCCHIERI, SALVATORE BUCCHIERI, CLARA BUCCHIERI and GELSOMINA BUCCHIERI MEDEIROS. As there has been no administration of the estate of Agrippino Bucchieri, a national of the United States since 1919, his widow and children, nationals of the United States, are substituted as claimants in this matter.

The claims are based on securities issued by the Consolidated Railroads of Cuba.

In our decisions entitled the Claim of Edward R. Smith (Claim No. CU-5001) and the Claim of Meyer Lobsenz (Claim No. CU-1005) 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 American nationals 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 \$5,000 3% Cumulative Income Debenture as \$5,945.41, including interest to October 13, 1960, and the value of an Accrual Certificate as the face value thereof.

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 and Lobsenz decisions; that they were American nationals at the requisite times; that MARY BUCCHIERI and Agrippino Bucchieri had each been the owner of 3% Income Debentures in the total face amount of \$2,500; and that each had been the owner of an Accrual Certificate in the face amount of \$725, issued by the Consolidated Railroads of Cuba.

MARY BUCCHIERI owned her individual interest since prior to October 13, 1960; and upon the death of Agrippino Bucchieri in 1958 his interest passed in one-third part to MARY BUCCHIERI and the remainder in equal parts to each of his six children, above named.

Accordingly, the Commission finds that claimants suffered losses in the following amounts within the meaning of Title V of the Act:

MARY BUCCHIERI	\$4,930.27
EMMANUEL BUCCHIERI	410.85
FRANCES B. SPEZZANO	410.85
THERESA BUCCHIERI	410.85
SALVATORE BUCCHIERI	410.86
CLARA BUCCHIERI	410.86
GELSOMINA BUCCHIERI MEDEIROS	410.86

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 and Lobsenz, supra.)

CERTIFICATION OF LOSS

The Commission certifies that the claimants listed herein suffered losses, 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 specified amounts, with interest at 6% per annum from October 13, 1960 to the date of settlement:

MARY BUCCHIERI	\$4,930.27
EMMANUEL BUCCHIERI	410.85
FRANCES B. SPEZZANO	410.85
THERESA BUCCHIERI	410.85
SALVATORE BUCCHIERI	410.86
CLARA BUCCHIERI	410.86
GELSOMINA BUCCHIERI MEDEIROS	410.86

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

MAR 14 1969

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 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).)