

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

IN THE MATTER OF THE CLAIM OF

ROBERT E. BRINDLEY
WILLIAM F. BRINDLEY

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-8144

Decision No. CU **4328**

Counsel for claimants:

John N. Gazetos, Esq.

PROPOSED DECISION

Claimants, ROBERT E. BRINDLEY and WILLIAM F. BRINDLEY, who owned a First Mortgage bond issued by the Cuba Railroad Company, 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 Company.

In our decision entitled the Claim of Joseph Gans (Claim No. CU-1720 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 bond of \$492.86 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that these claimants and their predecessors in interest, came within the terms of the Gans decision; that they were American nationals at the requisite times; that they or their predecessors in interest have been the joint owners of one First Mortgage bond issued by the Cuba Railroad Company since prior to October 13, 1960; and that they succeeded to and suffered a loss in the amount of \$492.86 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 Gans, supra.)

CERTIFICATION OF LOSS

The Commission certifies that ROBERT E. BRINDLEY and WILLIAM F. BRINDLEY succeeded to and 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 Hundred Ninety-two Dollars and Eighty-six Cents (\$492.86) 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

7 JAN 1970

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(a) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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