

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

IN THE MATTER OF THE CLAIM OF

PATRICIA H. LABALME

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-8191

Decision No. CU

3686

Represented by Cia. Cubana Primadera, S.A.

Counsel for Cia. Cubana Primadera, S.A.: Milbank, Tweed, Hadley
and McCloy
By Adlai S. Hardin, Jr., Esq.

PROPOSED DECISION

Claimant, PATRICIA H. LABALME, who owned a common stock interest in the Cia. Cubana Primadera, S.A., 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 Company.

In our decision entitled the Claim of Martha P. Balme (Claim No. CU-8162 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on August 7, 1960, and that this type of claim based on common stock of Cia. Cubana Primadera, S.A.

is not compensable under the facts and conditions set forth therein;
namely, because it had no value on the date of loss.

Accordingly, this claim must be and is hereby denied.

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

JUN 4 1969

Leonard v. B. Aultman

Leonard v. B. Aultman, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Sidney Feinberg

Sidney Feinberg, Commissioner

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).)

CU-8191

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

IN THE MATTER OF THE CLAIM OF

BERNARD WEISS

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-2357

Decision No. CU-3687

Counsel for claimant:

Ira Grossman, Esq.

Appeal and objections from a Proposed Decision entered on June 3, 1969;
oral hearing requested.

Oral hearing held on April 7, 1971.

FINAL DECISION

Under date of June 3, 1969, the Commission issued its Proposed Decision denying this claim on the ground that claimant failed to sustain the burden of proof. Claimant objected to the Proposed Decision and requested an oral hearing which was held on April 7, 1971.

At that hearing claimant testified in his own behalf, and counsel presented oral argument.

Upon consideration of the evidence and argument at the oral hearing in the light of the entire record, the Commission now finds that claimant and his wife, a nonnational of the United States, jointly owned certain assets in connection with their operation of the Cachet Bar Club at Havana, Cuba. (See Claim of Robert L. Cheaney, et ux, Claim No. CU-0915.) These assets owned are found to have consisted of cash, inventory, furniture and fixtures, accounts receivable due from individuals and office equipment.

On December 6, 1961, Cuba published Law 989 in its Official Gazette which effected a confiscation of all assets, real property, personal property and other property rights of persons who left Cuba. The Commission finds that this law applied to claimant who left Cuba before that date.

In the absence of evidence to the contrary, the Commission finds that certain assets of the Cachet Bar Club were taken by the Government of Cuba on December 6, 1961 pursuant to Law 989. (See Claim of Wallace Tabor and Catherine Tabor, Claim No. CU-0109, 25 FCSC Semiann. Rep. 53 [July-Dec. 1966].)

The Commission finds that the debts due from individuals in the amount of \$2,000.00 were not taken by the Government of Cuba, and therefore do not constitute the basis for a certification under Title V of the Act.

The Commission further finds that the furniture and fixtures, and the office equipment, in the amounts of \$30,000.00 and \$1,000.00, respectively, had an aggregate value after deductions for depreciation of \$20,666.66. Accordingly, the Commission finds that the aggregate value of the assets of the Cachet Bar Club lost on December 6, 1961, was \$147,666.66, and claimant's one-half interest therein had a value of \$73,833.33.

The evidence further establishes and the Commission finds that claimant and his wife jointly owned certain furniture and other household possessions at their residence in Cuba. The Commission finds that these items of personal property were also taken by the Government of Cuba on December 6, 1961 pursuant to Law 989 (supra).

Upon consideration of the entire record and after appropriate deductions on account of depreciation, the Commission finds that the items of personal property located at claimant's residence in Cuba had an aggregate value of \$11,000.00 on December 6, 1961 and claimant's one-half interest therein had a value of \$5,500.00.

Claimant's losses on December 6, 1961 are summarized as follows:

<u>Item of Property</u>	<u>Amount</u>
Cachet Bar Club	\$73,833.33
Personal Possessions	<u>5,500.00</u>
Total	<u>\$79,333.00</u>

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.

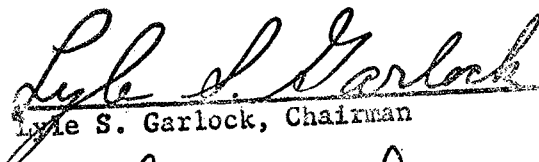
Accordingly, the following Certification of Loss will be entered, and in all other respects the Proposed Decision is affirmed.

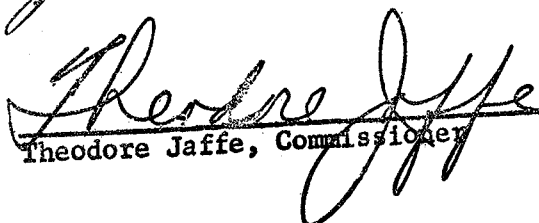
CERTIFICATION OF LOSS

The Commission certifies that BERNARD WEISS 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 Seventy-Nine Thousand Three Hundred Thirty-Three Dollars and Thirty-Three Cents (\$79,333.33) with interest thereon at 6% per annum from December 6, 1961 to the date of settlement.

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

JUN 9 1971


Lyle S. Garlock, Chairman


Theodore Jaffe, 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.