

CLAIMS RESOLUTION TRIBUNAL

In re Holocaust Victim Assets Litigation
Case No. CV96-4849

Certified Award

to Claimant [REDACTED]

in re Account of *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*

Claim Number: 600353/LV¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Adolf Groszmann.² This Award is to the unpublished account of *Adolf Groszmann Generalvertretung-Ausländischer Fabriken* (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has requested confidentiality, as in this case, the names of the claimant, any relatives of the claimant other than the account owner, and the bank have been redacted.

Information Provided by the Claimant

The Claimant submitted a claim to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as a company owned by Adolf Groszmann, the Claimant’s father. The Claimant stated that her father was born on 19 January 1890 in Budapest, Hungary, and that he was married to [REDACTED], née [REDACTED], on 21 September 1921. The Claimant stated that her parents lived in Budapest at Rokk Szilard utca and at Szondy utca 42/c. The Claimant further stated that her father, who was Jewish, owned an export and import business named *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*. The Claimant stated that her father’s company had business relations with foreign companies in Switzerland, Germany and Austria, and maintained bank accounts in Switzerland. The Claimant further stated that her father traveled to Zurich, Geneva, and other parts of Switzerland on business. According to the Claimant, it was customary for businessmen during that time to keep funds in Swiss banks, and that her father followed that practice. The Claimant stated that her father lost his business as a result of Nazi persecution, and that he died in Budapest on 14 July 1943 from surgery. The Claimant stated that she and her mother were confined in the Budapest Jewish Ghetto and subsequently fled Budapest after the Nazi

¹ The Claimant submitted a claim, numbered B-01564 on 24 November 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 600353.

² The CRT will treat the claim to this account in a separate decision.

invasion in 1944.

The Claimant stated that, after her mother passed away on 29 October 1969 in West Hartford, Connecticut, the United States, she found a piece of her father's business letterhead in her mother's wallet. In support of her claim, the Claimant submitted an undated copy of the letterhead which bears the name of her father's business, *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*, and lists banks which held accounts belonging to the company, showing that the company held an account at the Bank's Zurich branch. The Claimant also submitted her birth certificate, which identifies her parents as Adolf Grossmann and [REDACTED].

The Claimant indicated that she was born on 26 July 1922 in Budapest. The Claimant previously submitted an Initial Questionnaire with the Court in 1999 asserting her entitlement to a Swiss bank account owned by Adolf Groszmann.

Information Available in the Bank's Record

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report either an account held by the company *Adolf Groszmann Generalvertretung-Ausländischer Fabriken* or an account held by Adolf Groszmann.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*, which was owned by the Claimant's father. The Claimant submitted a copy of the company's letterhead, which indicates that the company held an account at the Bank.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Adolf Groszmann, and indicates that his date of birth was 19 January 1890, and his place of birth was Budapest, Hungary, which matches the information about the Claimant's father, provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of

Nazi Persecution. The Claimant stated that the owner of the company was Jewish, and he lost his business due to Nazi persecution. As noted above, a person named Adolf Groszmann was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the owner of the company by submitting documents demonstrating that Adolf Groszmann was her father and that he owned a business named *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*. The Claimant submitted her birth certificate, which identifies her parents as Adolf Grossmann and [REDACTED]; and a copy of her father's company's letterhead, which bears the name of the Account Owner. There is no information to indicate that the Account Owner had other successors in interest or that the Claimant's father has other surviving heirs.

The Issue of Who Received the Proceeds

Given that there are no existing records at the Bank for this account, and thus no record of the date of the account's closure; that the Claimant stated that her father lost his company as a result of Nazi persecution; that the Claimant's father died in 1943; and given that the Account Owner's heirs would not have been able to obtain information about their account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that her father owned the business *Adolf Groszmann Generalvertretung-Ausländischer Fabriken*, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor its successors in interest received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held an account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current

value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs (“SF”). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Scope of the Award

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on her claim to determine whether there are additional Swiss bank accounts to which she might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
10 December 2004