

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of E. Bachmann**

Claim Number: 203694/GO

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Albert Klein and Olga Klein.<sup>1</sup> This Award is to the unpublished account of E. Bachmann (the “Account Owner”) at the Saint Moritz branch of the [REDACTED] (the “Bank”).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 Form identifying the Account Owner as his biological mother, Elsa Bachmann, who resided at Gorghiuluistrasse 23 in Bucharest, Romania. The Claimant stated that his biological mother, who was Jewish, delivered him to an orphanage, and that he was adopted on 25 November 1941 by [REDACTED] and [REDACTED]. The Claimant stated that his biological mother was deported and that her subsequent fate is unknown.

In support of his claim, the Claimant submitted copies of documents, including: (1) his own birth certificate, indicating that [REDACTED] was born 25 July 1939 in Bucharest, that Elsa Bachmann was his mother, and that he was adopted on 25 November 1941 by [REDACTED] and [REDACTED]; (2) a court decision, issued on 27 October 1953, indicating that [REDACTED]’s name was changed to [REDACTED]; (3) his adoptive father’s death certificate, indicating that [REDACTED] died on 7 February 1955 in Bucharest; (4) his adoptive mother’s notarized contract of donation (“*Schenkungsvertrag*”), indicating that [REDACTED] was [REDACTED]’s mother and that on 4 April 1977 she donated real estate located in Bonn, Germany to him; and (5) his adoptive mother’s death certificate, indicating that [REDACTED] died on 29 July 1977 in Bonn.

The Claimant indicated that he was born 25 July 1939 in Bucharest.

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<sup>1</sup> The CRT will treat the claim to this account in a separate determination.

## **Information Available in the Bank's Records**

The Bank's records consist of a report from 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"). According to this record, the Account Owner was E. Bachmann. The auditor's report does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held an account, the type of which is not indicated, and that the account was transferred to a suspense account on 14 August 1954, when it held a balance of 36.75 Swiss Francs ("SF"). The account remains suspended.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's biological mother's first initial and last name match the unpublished first initial and last name of the Account Owner. The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than his or her first initial and last name.

In support of his claim, the Claimant submitted documents, including his own birth certificate, indicating that Elsa Bachmann was [REDACTED]'s biological mother, providing independent verification that the person who is claimed to be the Account Owner had the same first initial and last name recorded in the Bank's records as the first initial and last name of the Account Owner. The CRT notes that there are no other equally plausible claims to this account.<sup>2</sup>

Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified the Account Owner.

### 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 Account Owner was Jewish, that she was deported, and that her subsequent fate is unknown.

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<sup>2</sup> As detailed in the section entitled "Information Available in the Bank's Records," very little information is available concerning the Account Owner in this case. Usually, in determining whether a claimant has identified an account owner as his or her relative, the CRT considers such factors as an account owner's city or country of residence, profession, nationality, and/or names of family members. Since such information about the account owner is not available in this case, the CRT considers other, more detailed and nuanced factors. Such factors include, but are not limited to, whether a claimant identified an exact spelling of the account owner's name; whether the claimant was able to provide documentation linking his or her surname to that of the account owner, thereby demonstrating a familial relationship to a person with the same name as the account owner; whether a claimant identified the account owner's name prior to its publication, or despite the fact that the name was never published; and/or whether the fate of the claimant's relative is consistent with the disposition of the claimed account. Based upon these considerations, matches between this account and less plausible claims were disconfirmed, and those claims were excluded from this decision.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's biological mother. These documents include his own birth certificate, indicating that Elsa Bachmann was [REDACTED]'s biological mother. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The auditor's report indicates that the account remains suspended.

### 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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his biological mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one account of unknown type. The auditor's report indicates that the value of the account as of 14 August 1954 was SF 36.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 150.00, which reflects standardized bank fees charged to the account between 1945 and 1954. Consequently, the adjusted balance of the account at issue is SF 186.75. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 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.

### **Certification of the Award**

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

Claims Resolution Tribunal  
21 December 2009