

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Claude Ballin

in re Account of Mina Ballin

Claim Number: 210494/AY

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Claude Ballin (the “Claimant”) to the account of Mina Ballin (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his mother, Mina Ballin, née Adler, who was born on 13 December 1900 to Isaac Adler and Amanda Adler, née Frank, in Brückenau, Germany, and was married to Siegfried Ballin on 13 April 1925 in Germany. According to the Claimant, his parents had two children; the Claimant, who was born on 2 May 1927 in Frankfurt, Germany, and his brother, Lucien Ballin, who was born on 22 February 1925 in Frankfurt. The Claimant indicated that his mother traveled to Switzerland on vacation. The Claimant stated that his mother, who was Jewish, resided in Frankfurt until she fled with her family to England in 1938, where they stayed for one year. The Claimant further stated that all of his parents’ property was confiscated by the Nazis in 1938. According to the Claimant, in 1939 the family immigrated to the United States and settled in New York, New York. The Claimant indicated that his mother died in New York on 19 February 1979, and that his father passed away in New York, but that he does not remember when. In support of his claim, the Claimant submitted documents including his mother’s death certificate, indicating the fact that she was born in Germany and the names of her family members, including that of the Claimant.

Information Available in the Bank’s Record

The Bank’s record consists of an account registry card. According to this record, the Account Owner was Mrs. (*Frau*) Mina Ballin from Frankfurt am Main, Germany. The Bank’s record indicates that the Account Owner held a safe deposit box account, numbered 52. The date the

account was opened is illegible. The record shows that the account was closed on 6 October 1933. The amount in the account on the date of its closure is unknown, and the Bank's record does not show to whom it was paid. There is no evidence in the Bank's record that the Account Owner closed the account and received the proceeds herself.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the published name of the Account Owner. The Claimant stated that his mother resided in Frankfurt am Main, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that there are no other claims to this account. Taking all of these factors into consideration, 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 the Account Owner fled to England in 1938, and that all of the Account Owner's property was confiscated by the Nazis in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting his mother's death certificate, demonstrating that he is Mina Ballin's son. The Claimant is not representing his brother or his brother's descendants in these proceedings, nor have any Claim Forms or Initial Questionnaires been filed by them with the CRT.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures, including confiscation of assets held in Swiss banks; the Account Owner's account was closed in 1933 and she remained in Germany until 1938; she would not have been able to repatriate her account to Germany when it was closed without its confiscation; there is no record of the payment of the Account Owner's account to her; the Account Owner and her heirs would not have been able to obtain information about her 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 Bank's concern regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules")(see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

to the Account Owner, or her 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 the Account Owner was his mother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 safe deposit box account. 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 present value of the account being awarded. Based on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”), in 1945 the average value of the contents of a safe deposit box account was 1,240.00 Swiss Francs. 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 15,500.00 Swiss Francs.

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 his claim to determine whether there are additional Swiss bank accounts to which he 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
September 30, 2003