

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Esther Erenfeld<sup>1</sup>

## **in re Account of Esther Berger**

Claim Number: 002961/IG

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Esther Erenfeld, née Berger, (the “Claimant”) to the unpublished account of her father, Yehuda Berger.<sup>2</sup> This Award is to the unpublished account of Esther Berger (the “Account Owner”) at the Waldenburg branch of the [REDACTED] (the “Bank”).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 herself, Esther Erenfeld, née Berger. The Claimant indicated that she is Jewish and that she was born on 21 February 1923 in Hungary to Yehuda Berger and Risi-Haya Berger, née Riedel. According to the Claimant, the account was opened for her by her father, who was born in 1896 in Hungary and who was married there in 1921. The Claimant stated that her father, Yehuda Berger, who was also Jewish, was a merchant and transferred money to a Swiss bank account before the Second World War. The Claimant further stated that her father resided in his hometown in Hungary until 1944. The Claimant stated that her father died in 1980. In support of her claim, the Claimant submitted documents including her identification card and a family tree.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by her husband, Laszlo Roth, who was murdered in Auschwitz in 1944.

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<sup>1</sup> The Claimant provided her name and some of her relatives’ names only in Hebrew characters in the Claim Form. For the purpose of this written decision, the CRT has transliterated these names into Latin characters. However, to match names provided in the Claim Form with names contained in the banks’ databases, the CRT has used a database created by Yad Vashem, Israel, which provided different variations in Latin characters for each of the names.

<sup>2</sup> The CRT will treat the claim to this account in a separate decision.

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

The Bank's record consists of a ledger of dormant accounts. According to this record, the Account Owner was Esther Berger, from an unknown country. The Bank's record indicates that the Account Owner held a savings/passbook account.

The account was transferred on 29 December 1984 to a suspense account numbered 280.003.581-6. The amount in the account on the date of its transfer was 105.50 Swiss Francs. The account remains open and dormant.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's name matches the unpublished name of the Account Owner. The Claimant stated that her father was a businessman who transferred money to a Swiss bank in Switzerland, and that he may have opened an account for her in her name. The CRT notes that the name of the Account Owner matches the Claimant's maiden name, suggesting that she was a child when the account was opened. In addition, the CRT notes that no accounts were found for the Claimant's father, Yehuda Berger. The CRT also notes that the bank records do not contain any specific information about the Account Owner other than her name. Finally, the CRT notes that there are no other claims to this account. Taking all of these facts 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 her father, who opened the account, resided in Hungary during the Second World War, and that her husband was killed in Auschwitz in 1944.

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

The Claimant has plausibly demonstrated that she is the Account Owner by submitting her identification card and providing information about herself, indicating that her maiden name was Esther Berger, which matches the unpublished name of the Account Owner.

### The Issue of Who Received the Proceeds

The Bank's record indicates the account remains open and dormant.

### 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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that she is the Account Owner. Finally, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held a savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 29 December 1984 was 105.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 10,375.00 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 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  
September 15, 2003