

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

## **in re Account of Paul Berger**

Claim Numbers: 220684/MBC; 728514/MBC; 728518/MBC; 728523/MBC; 731318/MBC;  
732334/MBC<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) to the account of [REDACTED], the claims of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) to the account of Pal Balint (Berger), the claim of [REDACTED 3], née [REDACTED], (“Claimant [REDACTED 3]”) to the account of Pal Bolgar (Berger), and the claim of [REDACTED 4], née [REDACTED], (“Claimant [REDACTED 4]”), (together the “Claimants”), to the account of Pal Berger (Beregi).<sup>2</sup> This Award is to the published account of Paul Berger (the “Account Owner”) at the Biel branch of the [REDACTED] (the “Bank”).

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

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<sup>1</sup> [REDACTED 2], [REDACTED 3], and [REDACTED 4] did not submit Claim Forms to the CRT. However, in 1999, [REDACTED 2] submitted three Initial Questionnaires, numbered HUN-0013-001, HUN-0013-050, and HUN-0013-064, to the Court in the United States. Similarly, [REDACTED 3] submitted an Initial Questionnaire (“IQ”) numbered HUN-0095-073, and [REDACTED 4] submitted an IQ numbered HUN-0122-079. Although these Initial Questionnaires were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The Initial Questionnaires were forwarded to the CRT. Those submitted by [REDACTED 2] have been assigned claim numbers 728514, 728518, and 728523, respectively, the IQ submitted by [REDACTED 3] has been assigned claim number 731318, and the IQ submitted by [REDACTED 4] has been assigned claim number 732334.

<sup>2</sup> The CRT will treat the claim of Claimant [REDACTED 1] to the account of [REDACTED] in a separate determination.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as her maternal uncle by marriage, Pal (Paul) Berger, who was born in approximately 1880 and was married to [REDACTED], née [REDACTED], Claimant [REDACTED 1]'s mother's half-sister. According to Claimant [REDACTED 1], her uncle and aunt resided in Nagykanizsa, Hungary, where their only child, [REDACTED], was born on 9 September 1908. Claimant [REDACTED 1] stated that her uncle owned a cotton factory. In a letter to the CRT dated 9 August 2005, Claimant [REDACTED 1] indicated that her uncle also owned a timber company. Moreover, Claimant [REDACTED 1] stated that her uncle, who was Jewish, later moved to Budapest, Hungary, where he died sometime during the early 1930s. Claimant [REDACTED 1] further indicated that her cousin, [REDACTED], was a wealthy lawyer, who resided in Budapest. In addition, Claimant [REDACTED 1] stated that her cousin traveled to Switzerland every year for ski vacations, and in order to deposit money in a Swiss bank account. Claimant [REDACTED 1] further stated that her cousin, who was Jewish, was forced to perform slave labor in the Ukraine in 1941, and that he ultimately perished in the Holocaust. Claimant [REDACTED 1] also stated that she was interned in both Auschwitz and Bergen-Belsen during the Second World War.

In support of her claim, Claimant [REDACTED 1] submitted documents, including: (1) Pal Berger and [REDACTED] 's marriage certificate, indicating that they were married in 1907, and that Pal Berger was born on 22 January 1877; (2) [REDACTED] 's birth certificate, identifying his parents as Pal Berger and [REDACTED], née [REDACTED]; (3) a letter from the Royal Swedish Embassy in Budapest to the Department of Foreign Affairs in Sweden, dated 25 November 1940, regarding the Estate of [REDACTED], indicating that Claimant [REDACTED 1] was entitled to one-half of his estate, which included two properties in Hungary; and (4) a document issued by the city of Budapest on 28 July 1949, indicating that [REDACTED] owned two properties in Budapest, and that Claimant [REDACTED 1], one of his heirs, was entitled to one-half of those properties. Claimant [REDACTED 1] indicated that she was born on 8 November 1924 in Keszthely, Hungary.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire ("IQ") to the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by [REDACTED].

### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted three Initial Questionnaires ("IQs") identifying the Account Owner as her father, Pal Balint, formerly Berger, who was born on 21 December 1904 in Budapest, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] indicated that her parents, who were Jewish, resided at Kossuth tér 24, Kispest, in Budapest, where her father owned a cheese store. In a telephone conversation with the CRT on 14 January 2005, Claimant [REDACTED 2] indicated that her father sold the cheese store and deposited the profits from the sale in a Swiss bank account, which she was never able to access. Claimant [REDACTED 2] further stated that, on 13 February 1943, her father was arrested and

subsequently forced to perform slave labor, and that in 1944, he was transported to Mauthausen, where he was interned until he was liberated in 1945. Claimant [REDACTED 2] stated that her mother perished in Auschwitz in 1944, and that her father died on 16 December 1980 in Budapest.

Claimant [REDACTED 2] submitted Pal Berger's birth certificate, indicating that he was born in Hungary. Claimant [REDACTED 2] indicated that she was born on 20 May 1936 in Budapest.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted an IQ identifying the Account Owner as her late husband, Pal Bolgar, formerly Berger, who was born on 3 October 1925 in Budapest. Claimant [REDACTED 3] indicated that she and her husband were married on 26 October 1951 in Budapest. Claimant [REDACTED 3] stated that her husband, who was Jewish, resided at Akacfa u. 22 in Budapest, before he was forced to perform slave labor in May 1944. Claimant [REDACTED 3] indicated that her husband survived the Second World War, and that he died on 25 February 1995 in Budapest.

Claimant [REDACTED 3] submitted a certificate confirming that her husband changed his name from Pal Berger to Pal Bolgar on 21 March 1947; her marriage certificate, indicating that her husband was Pal Bolgar; and her husband's death certificate, indicating that his father's name was [REDACTED]. Claimant [REDACTED 3] indicated that she was born on 5 January 1932 in Hungary.

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted an IQ identifying the Account Owner as her father, Pal Beregi, formerly Berger, who was born on 26 December 1920 to [REDACTED] and [REDACTED]. Claimant [REDACTED 4] stated that her father resided with his parents at Kossuth u. 2 in Nemesbikk, Hungary. In a telephone conversation with the CRT on 13 January 2004, Claimant [REDACTED 4] further indicated that her grandparents owned a farm and a store, where her father worked. Claimant [REDACTED 4] further indicated that her father, who was Jewish, was forced to perform slave labor during the Second World War. In addition, Claimant [REDACTED 4] stated that her grandparents and her paternal uncle, [REDACTED], perished in the Holocaust. Claimant [REDACTED 4] also indicated that her father changed his name to "Beregi" when she was born. Finally, Claimant [REDACTED 4] stated that her father died on 10 July 1981 in Debrecen, Hungary.

Claimant [REDACTED 4] submitted a document confirming that Pal Berger changed his name to Pal Beregi on 3 May 1947. Claimant [REDACTED 4] indicated that she was born on 7 March 1947 in Hungary.

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

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Paul Berger. The Bank's record indicates that the Account Owner held one account, numbered 26854, the type of which is not indicated. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the last contact with the Account Owner took place on 4 July 1934, and that the account was transferred to a suspense account on 4 November 1961. The balance in the account on the date of its transfer was 4.30 Swiss Francs ("SF"). The account remains suspended.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the six claims of the Claimants in one proceeding.

### Identification of the Account Owner

The names of Claimant [REDACTED 1]'s maternal uncle by marriage, Claimant [REDACTED 2]'s father, Claimant [REDACTED 3]'s husband, and Claimant [REDACTED 4]'s father each match the published name of the Account Owner.<sup>3</sup> The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT further notes that the Bank's record indicates that the account was opened sometime before 1934, when Claimant [REDACTED 3]'s husband and Claimant [REDACTED 4]'s father were minors. However, the CRT notes that it is plausible that the account was opened in Claimant [REDACTED 3]'s husband's or Claimant [REDACTED 4]'s father's name by one of their adult relatives.

In support of their claims, the Claimants submitted documents. More specifically, Claimant [REDACTED 1] submitted her uncle's marriage certificate, identifying him as Pal Berger; Claimant [REDACTED 2] submitted her father's birth certificate, identifying him as Pal Berger; Claimant [REDACTED 3] submitted a certificate confirming that her husband changed his name from Pal Berger to Pal Bolgar on 21 March 1947; and Claimant [REDACTED 4] submitted a document confirming that her father changed his name from Pal Berger to Pal Beregi on 3 May 1947. These documents all provide independent verification that the persons who are claimed to be the Account Owner by the Claimants had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT further notes that the name Paul Berger appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons

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<sup>3</sup> The CRT notes that "Pal" is the Hungarian equivalent of "Paul."

(“ICEP”) to be probably or possibly those of victims of Nazi persecution (the “ICEP List”). Moreover, the CRT notes that Claimant [REDACTED 2], Claimant [REDACTED 3], and Claimant [REDACTED 4] filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by their relative, Pal Berger, and that Claimant [REDACTED 1] filed an IQ with the Court in 1999 and an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by [REDACTED], the son of Pal Berger, prior to the publication in February 2001 of the ICEP List. This indicates that the Claimants have based their claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relatives, but rather on direct family relationships that were known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that their relatives, or their relatives’ close family members, owned Swiss bank accounts prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

Finally, the CRT notes that Claimant [REDACTED 1]’s, Claimant [REDACTED 2]’s, Claimant [REDACTED 3]’s, and Claimant [REDACTED 4]’s relative are not the same person. However, given that the Claimants have identified all information about the Account Owner that is available in the Bank’s record; that there is no additional information in the Bank’s record that would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 3] and Claimant [REDACTED 4] have each plausibly identified the Account Owner.

#### Status of the Account Owner as a Victim of Nazi Persecution

##### *Claimant [REDACTED 1]*

The CRT notes that, while the Account Owner identified by Claimant [REDACTED 1] was not a Victim of Nazi Persecution, the Account Owner’s son was a Victim of Nazi Persecution. Claimant [REDACTED 1] stated that the Account Owner’s son was Jewish, that he was forced to perform slave labor in the Ukraine, and that he ultimately perished in the Holocaust.

##### *Claimant [REDACTED 2]*

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, that he was forced to perform slave labor, and that he was interned at Mauthausen from 1944 until its liberation in 1945.

##### *Claimant [REDACTED 3]*

Claimant [REDACTED 3] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 3] stated that the Account Owner was Jewish, and that he was forced to perform slave labor during the Second World War.

*Claimant [REDACTED 4]*

Claimant [REDACTED 4] has also made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 4] stated that the Account Owner was Jewish, and that he was forced to perform slave labor during the Second World War.

The Claimants' Relationships to the Account Owner

*Claimant [REDACTED 1]*

Claimant [REDACTED 1] has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s uncle by marriage.

The CRT notes that Claimant [REDACTED 1] submitted Pal Berger's marriage certificate; [REDACTED]'s birth certificate, identifying his father as Pal Berger; a letter from the Royal Swedish Embassy in Budapest to the Department of Foreign Affairs in Sweden, stating that Claimant [REDACTED 1] was entitled to one-half of [REDACTED]'s estate; and a document issued by the city of Budapest, stating that [REDACTED] held two properties in Budapest, and identifying Claimant [REDACTED 1] as an heir entitled to one-half of those properties. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess, and further notes that the indication that Claimant [REDACTED 1] was an heir of the Account Owner's son further indicates that she had a close relationship to the Account Owner's family. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 1] as a family member, and all this information supports the plausibility that Claimant [REDACTED 1] is related to the Account Owner, as she has asserted in her Claim Form. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 1] has other surviving heirs.

*Claimant [REDACTED 2]*

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father.

The CRT notes that Claimant [REDACTED 2] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 2], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 2] submitted Pal Berger's birth certificate. The CRT notes that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as she has asserted in her IQs. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 2] has other surviving heirs.

*Claimant [REDACTED 3]*

Similarly, Claimant [REDACTED 3] has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was Claimant [REDACTED 3]'s late husband. These documents include a certificate confirming that her husband changed his name from Pal Berger to Pal Bolgar on 21 March 1947, and her marriage certificate, indicating that her husband was Pal Bolgar. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 3] has other surviving heirs.

*Claimant [REDACTED 4]*

Claimant [REDACTED 4] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 4]'s father.

The CRT notes that Claimant [REDACTED 4] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication in February 2001 of the ICEP List. The CRT further notes that Claimant [REDACTED 4] submitted a document certifying that Pal Berger changed his name to Pal Beregi in 1947. The CRT notes that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 4] as a family member, and all this information supports the plausibility that Claimant [REDACTED 4] is related to the Account Owner, as she has asserted in her IQ. There is no information to indicate that the Account Owner identified by Claimant [REDACTED 4] has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account on 4 November 1961, where it remains.

Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that the Account Owner was her uncle by marriage, Claimant [REDACTED 2] and Claimant [REDACTED 4] have plausibly demonstrated that the Account Owner was their father, and Claimant [REDACTED 3] has plausibly demonstrated that the Account Owner was her late husband, and all these relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held an account of unknown type. The Bank's record indicates that the value of the account as of 4 November 1961 was SF 4.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects standardized bank fees charged to the account between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 259.30. 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.

### Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under the Rules. In this case, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 4], and Claimant [REDACTED 3] have all established a plausible relationship to a person with the same name as the Account Owner. Accordingly, Claimant [REDACTED 1], Claimant [REDACTED 2], Claimant [REDACTED 4], and Claimant [REDACTED 3] are each entitled to one-fourth of the total award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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