

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Friedrich Bergfeldt

Claim Number: 213784/EZ

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Friedrich Bergfeldt (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 Form identifying the Account Owner as his maternal uncle, Friedrich Bergfeldt, who was born in approximately 1896 in Kiev, the Ukraine. The Claimant could not recall whether his uncle was married or had children. The Claimant’s mother, [REDACTED], née [REDACTED], who was the Account Owner’s sister, died in 1937 while giving birth. Therefore, the Claimant, who was six years old at that time, has little information about his mother’s relatives who perished in the Holocaust. The Claimant stated that his uncle’s family resided in Kiev, Russia, and that in the early 1930s his uncle moved to Latvia and resided at 21 Valdemāra Street in Riga. The Claimant stated that during the Second World War, his maternal grandmother was afraid to stay in contact with the Account Owner, her son, and therefore kept his address a secret. After the Second World War, the Claimant’s grandmother looked for her son in Latvia and was told that he was murdered by the Nazis in 1941. The Claimant further stated that he was born on 28 May 1931 in Kiev.

Information Available in the Bank’s Record

The Bank’s record consists of a bank statement. According to this record, the Account Owner was Friedrich Bergfeldt from Latvia, who held a demand deposit account. The Bank’s record indicates that on 6 December 1948 the account was transferred to a suspense account, which is a grouping of open and dormant accounts. The account balance on the transfer date was 87.50

Swiss Francs. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The Bank's record does not show if or when the account at issue was closed or to whom it was paid. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant stated that his uncle resided in Latvia, which matches published information about the Account Owner contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and country of residence. The CRT also notes that the name Bergfeldt appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. Finally, the CRT notes that there are no other claimants to this account. 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 and was murdered by the Nazis.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given the Account Owner's disappearance during World War I, his apparent murder by the Nazis, the continued existence of the account in Bank records after the War and 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 Owner 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 the Account Owner was his uncle, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible 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 one demand deposit account. The Bank's records indicate that the value of the account as of 6 December 1948 was 87.50 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. 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, in accordance with Article 31(1) of the Rules, to produce a total award amount of 25,680.00 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
June 3, 2003