

# 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 Moritz Bettelheim**

Claim Numbers: 200779/GH; 213476/GH

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the account of Moritz Bettelheim (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 two Claim Forms identifying the Account Owner as his great-uncle, Moritz Bettelheim, his maternal grandmother’s younger brother. The Claimant stated that his great-uncle was born in 1862, probably in Fadd, Hungary, and resided in Budapest V, where he lived at U. Falk Miksa. The Claimant stated that his great-uncle, who was Jewish, was a wholesale textile merchant, was not married and had no children. The Claimant further indicated that his great-uncle was murdered in 1944 following the German occupation of Hungary. The Claimant indicated that he is the grandson of his great-uncle’s sister [REDACTED], née [REDACTED], and that he was born on 16 April 1926 in Fadd. The Claimant submitted a detailed family tree, his birth certificate that indicates he is Jewish, and his father’s death certificate that lists his grandmother’s name as [REDACTED]. The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Moritz Bettelheim.

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

The bank records consist of information gathered by the Bank as part of a bank survey of unclaimed assets presumed to have belonged to victims of Nazi persecution and reported to the Swiss government under the 1962 Swiss Federal Decree. According to these records, the

Account Owner was Moritz Bettelheim of Budapest, who last contacted the Bank on 23 January 1928. The bank records do not identify the type of account that the Account Owner held, but they do show that the account had a value of 2,584.00 Swiss Francs at the time it was registered in 1962. The bank records contain a further notation that after the account was registered, it contained a value of 2,563.00 Swiss Francs, and it was subsequently paid out to a Swiss government agency, and not to the Account Owner or his heirs.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 43(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the discretion of the Claims Judges. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner as his great-uncle. His great-uncle's name and city of residence match the published name and city of residence of the Account Owner. The CRT notes that the bank records do not contain any additional information about the Account Owner other than his name and city of residence.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Moritz Bettelheim of Budapest, Hungary, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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

The Claimant has plausibly shown that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and was murdered in 1944 during the German occupation of Hungary.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting a family tree, describing their relationship, and indicating that the Account Owner had no children and one sister, [REDACTED], the Claimant's grandmother. The Claimant has also provided official documents indicating that his grandmother's maiden name was [REDACTED].

There is no information to indicate that the Account Owner has other surviving heirs, and there are no other claims to this account.

#### The Issue of Who Received the Proceeds

In this case, the bank records indicate that the account was reported to the Swiss government as part of a survey pursuant to the 1962 Federal Decree conducted to identify the accounts of possible victims of Nazi persecution. The accounts reported in that survey, which remained unclaimed, were transferred to a Swiss government fund. Therefore, it is clear that neither the Account Owner nor his heirs received the proceeds of the account.

#### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his great-uncle, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

The bank records indicate that the value of the account was 2,584.00 Swiss Francs when it was registered with the Swiss government as part of the 1962 survey. In accordance with Article 37(1) of the Rules, this amount is increased by an adjustment of 270.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1962. Consequently, the adjusted balance of the account at issue is 2,854.00 Swiss Francs. According to Article 35 of the Rules, if the amount of an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

#### Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive 100% of the total award amount.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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

November 26, 2002