

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Bona Bloch

Claim Number: 500574/AX

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Bona Bloch (the “Account Owner”), over which Leopold Bloch (“Power of Attorney Holder Leopold Bloch”), Berta Bloch (“Power of Attorney Holder Berta Bloch”)¹ and Dora Bloch (“Power of Attorney Holder Dora Bloch”) (together the “Power of Attorney Holders”) held power of attorney, at the Diessenhofen 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 cousin, Bona (Bonna) Bloch, who was born on 15 August 1898 in Gailingen, Germany. The Claimant indicated that Bona Bloch was one of three children of Leopold and Buitner Bloch. The Claimant further indicated that his cousin had two sisters: [REDACTED] and Dora Bloch. According to the Claimant, Bona Bloch, who was Jewish, lived with her parents in Gailingen until she was deported to the concentration camp in Gurs, where she perished. In support of his claim, the Claimant submitted the birth certificate of Bona Bloch, indicating that her parents were Leopold Bloch and Bertha Bloch, and that she was born in Gailingen,² and the Claimant’s birth certificate and marriage certificate, showing that his family name was formerly Bloch. The Claimant stated that he was born on 27 July 1947 in Kiev, the Ukraine.

¹ The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), Bona Bloch is indicated as being one of the Power of Attorney Holders. Upon careful review, the CRT has concluded that the Bank’s record indicates that the name of this Power of Attorney Holder was in fact Berta Bloch.

² The CRT notes that the Claimant indicated that his cousin’s mother’s name was Buitner Bloch, but that the document submitted by the Claimant indicates that her name was in fact Bertha Bloch.

Information Available in the Bank's Record

The Bank's record consists of an excerpt from the Bank's ledger. According to this record, the Account Owner was *Frl.* (Miss) Bona Bloch and the Power of Attorney Holders were Leopold Bloch, *Frl.* (Miss) Dora Bloch, and *Frau* (Mrs.) Berta Bloch. The Bank's record indicates that Power of Attorney Holder Leopold Bloch died no later than March 1933. According to the Bank's record, the Account Owner resided in Gailingen at *Café Rheingold*. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened some time before 26 February 1926. The Bank's record further indicates that the value of the account as of 15 August 1930 was 253.05 Swiss Francs ("SF"). The Bank's record does not show when the account at issue was closed.

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. There is no evidence in the Bank's record that the Account Owner, the Power of Attorney Holders, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's cousin's name and city and country of residence match the published name and city and country of residence of the Account Owner. The Claimant's cousin's parents' and sister's name match the published names of the Power of Attorney Holders.³ Furthermore, the Claimant stated that Bona Bloch was unmarried, which matches unpublished information about the Account Owner's marital status contained in the Bank's record. In support of his claim, the Claimant submitted the birth certificate of Bona Bloch, indicating that her parents were Leopold and Bertha Bloch, and that she was born in Gailingen, providing independent verification that the persons who are claimed to be the Account Owner and Power of Attorney Holders Leopold and Berta Bloch had the same names as those recorded in the Bank's record for the Account Owner and Power of Attorney Holders Leopold and Berta Bloch, and that the person who is claimed to be the Account Owner resided in the same town recorded in the Bank's record as the place of residence of the Account Owner.

³ The CRT notes that the Claimant indicated that his cousin's sister's name was [REDACTED]. However, in light of the document provided by the Claimant which indicates that his cousin's mother's name was Bertha, and the fact that Power of Attorney Holder Berta Bloch was referred to in the Bank's record as *Frau* (Mrs.) Berta Bloch, the CRT finds that it more likely that Power of Attorney Holder Berta Bloch was the Claimant's cousin's mother and not the Claimant's cousin's sister, as he has asserted in his Claim Form.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Bonna Bloch, and indicates that her date of birth was 16 August 1898,⁴ and that she resided in Gailingen, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that there are no other claims to this account.

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 that she was deported to the concentration camp in Gurs, where she perished.

As noted above, a person named Bonna Bloch was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information, demonstrating that the Account Owner was the Claimant's cousin. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of the Account Owner's birth certificate. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. The CRT further notes that the Claimant submitted a copy of his birth certificate and marriage certificate, indicating that his family name was Bloch, which provides independent verification that the Claimant and his relatives bore the same last name as the Account Owner. 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 the Claimant as a family member, and all this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in the Second World War; that there is no record of the payment of the Account Owner's account to her, nor any record of a date of closure of the account; that 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 banks' concern regarding double liability; and given 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, the Power of Attorney Holder, or

⁴ The CRT notes that this date differs from the date of birth provided by the Claimant, which is 15 August 1898, but finds that this discrepancy is minor and does not affect the Claimant's identification of the Account Owner.

their 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 cousin, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, the Power of Attorney Holders, nor their 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 record indicates that the value of the account as of 15 August 1930 was SF 253.05. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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. Consequently, the total award amount in this case is SF 26,750.00.

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
24 December 2004