

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Manfred Bloch

in re Account of Iwan Bloch

Claim Number: 201934/CH

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Manfred Bloch (the “Claimant”) to the published account of Iwan Bloch (the “Account Owner”) at 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 his father, Iwan Isaac Bloch, who was born on 21 May 1895 in Gailingen, Germany, and was married to Friederike Elsa Meyer on 24 November 1930 in Baden, Germany. According to the Claimant, his father, who was Jewish, was a salesman. The Claimant stated that his father fled Germany in 1938, crossing through the Netherlands, France, Italy, and Cuba, before finally reaching the United States, where he settled in 1945. The Claimant further stated that his father had family who lived in St. Gall, Switzerland. The Claimant indicated that his father died on 18 November 1966, in New York, New York, the United States, and that his mother died on 30 May 1989, in Scottsdale, Arizona, the United States.

In support of his claim, the Claimant submitted various documents, including his parents’ birth, marriage and death certificates, indicating his father’s name and occupation; his parents’ pre-War German passports indicating that the Claimant is their only child and bearing St. Gall and Swiss stamps; and his mother’s will indicating that the Claimant is her only son and naming him as her sole heir. The Claimant also submitted his father’s United States certificate of naturalization, and a document issued by the German federal insurance authorities. These documents indicate that the Claimant’s father was variously referred to as Iwan Isaac Bloch, Isaac Iwan Bloch, Issac Bloch, and Iwan Bloch. The Claimant indicated that he was born on 4 October 1935 in Cologne, Germany, and that he is his parents’ only child.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his father Iwan Isaac Bloch. In his

IQ, the Claimant also stated that his father constantly traveled to Switzerland, as Gailingen is on the Swiss-German border, and that his parents told him that they deposited money in Switzerland.

Information Available in the Audit Report

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 present the CRT with any Bank's records relating to the account at issue. As a consequence, the CRT has to rely solely upon these auditors' findings (the "Audit Report") in adjudicating the account.

According to the Audit Report, the Account Owner was Iwan Bloch, who resided in Rome, Italy. The Audit Report indicates further that the Account Owner held a demand deposit account, numbered 5454, that was closed before 1946. The Audit Report does not indicate the amount in the account. There is no evidence that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. The Claimant stated that his father fled Germany in 1938 and was in Italy on his way to the United States, which is consistent with information about the Account Owner's place of residence as contained in the Audit Report. In support of his claim, the Claimant submitted various documents, including his parents' birth, marriage and death certificates, indicating his father's name and occupation and his parents' pre-war German passports, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Audit Report as the name of the Account Owner.¹

The CRT notes that the Claimant filed an IQ with the Court in 1999 asserting his entitlement to a Swiss bank account owned by Ivan Isaac Bloch, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably 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. The CRT further notes that the name Iwan Bloch appears only once on the ICEP list. The CRT notes that there are no other claims to

¹ The CRT notes that these documents variously refer to the Claimant's father as Isaac Iwan Bloch, Iwan Isaac Bloch, Isaac Bloch, and Iwan Bloch. The CRT does not find this discrepancy to be material.

this account. Taking all 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 that he fled Nazi Germany in 1938.

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 and documents, demonstrating that the Account Owner was the Claimant's father. These documents include his father's pre-war German passport indicating that the Claimant is his only child. 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 fled Germany in 1938; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his 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 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 father, and that relationship justifies an Award. Third, 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. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs ("SF"). The current value of this amount is calculated by

multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 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
28 September 2004