

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Accounts of Ernst Blum**

Claim Number: 730654/WI; 752523/WI<sup>1</sup>

Award Amount: 211,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished accounts of Ernst Blum (the “Account Owner”), over which Alice Blum (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”). The accounts awarded are from the Total Accounts Database (“TAD”) at 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 an Initial Questionnaire and an ATAG Ernst & Young claim form identifying the Account Owner as his stepfather, Dr. Ernst Blum, who was born on 14 May 1890 in Humenné, Czechoslovakia (now Slovakia), and was married to Alice Blum, née Klein, in 1932. The Claimant indicated that his stepfather, who was Jewish, resided in Humenné, where he was a medical doctor. The Claimant stated that his stepfather married his mother after she

---

<sup>1</sup> [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1998 he submitted an ATAG Ernst & Young claim form (“ATAG Form”), numbered 752523, to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001, and in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HUN-0072-104, to the Court in the United States. Although neither the ATAG Form nor the IQ was a Claim Form, 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, and in an Order signed on 30 December 2004, ordered that claims submitted to but not treated by either CRT I, the Independent Committee of Eminent Persons (“ICEP”), or ATAG Ernst & Young shall be treated as timely claims under the current Claims Resolution Process as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). See Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001) and Order Concerning the Use of ICEP Claims as Claim Forms in the Claims Resolution Process for Deposited Assets (December 30, 2004). The IQ and ATAG Form were forwarded to the CRT and have been assigned claim numbers 730654 and 752523, respectively.

divorced the Claimant's father, and from that time on he lived with them in one household. According to the Claimant, in the summer of 1933 or 1934, during their holidays in France, his stepfather and his mother stopped in Switzerland, most probably in Zurich, and deposited 1,000.00 United States Dollars ("US \$") in a Swiss bank account, most likely at the Bank. The Claimant further indicated that his stepfather was expelled from Humenné in 1944 and was forced to move to Liptovský Mikulas, Czechoslovakia (now Slovakia), and that he performed slave labor for the German army. The Claimant stated that his stepfather traveled to Switzerland in 1947, but that he does not know whether he ever was able to access his account. The Claimant indicated that his stepfather died on 19 April 1961 in Humenné.

The Claimant indicated that he was born on 28 November 1919.

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

The Bank's records consist of a report from 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"), a signature sample card, dated 14 August 1933, and records of the Swiss Federal Archive in Bern, Switzerland, evidencing assets belonging to Ernst Blum.<sup>2</sup> According to these records, the Account Owner was Dr. Ernst Blum and the Power of Attorney Holder was *Frau* (Mrs.) Alice Blum, both of whom resided in Humenné, Czechoslovakia (now Slovakia). The Bank's records indicate that the Account Owner held one custody account, numbered 29217 and one account, the type of which is not indicated, numbered 270821. According to the records, the custody account was selected for reporting in the 1962 Survey, but ultimately was not reported. According to the registration records for the 1962 Survey, the Bank reported that the Account Owner was believed to be Jewish and that the last contact with him occurred before May 1945. These records indicate that the amount in the custody account as of 12 December 1963 was 1,590.00 Swiss Francs ("SF"). The Bank's records do not indicate the ultimate disposition of this account.

With regard to the account of unknown type, the Bank's record consists of a signature sample card signed by the Account Owner and the Power of Attorney Holder. This record does not show when the account at issue was closed, nor does it indicate the value of this account. The auditors who carried out 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.

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

---

<sup>2</sup> By Federal Decree of 20 December 1962 (the "Federal Decree"), the Swiss Federal Council obliged all individuals, legal entities, and associations to report any Swiss-based assets whose last-known owners were foreign nationals or stateless persons of whom nothing had been heard since 9 May 1945 and who were known or presumed to have been victims of racial, religious, or political persecution ("the 1962 Survey").

These accounts were not part of the Account History Database at the CRT, but were identified as a result of matching and research carried out at the Bank and using, as noted above, the TAD at the Bank. The TAD at the Bank is one of the several databases that comprise a total of approximately 4.1 million accounts. These are part of the approximately 6.9 million accounts that were identified by the ICEP auditors as open or opened in the 1933-1945 period in Swiss banks, less the estimated 2.8 million accounts for which no records remain. These 4.1 million accounts, in databases located at the 59 ICEP audited Swiss banks,<sup>3</sup> are composed of 1.9 million savings accounts with unknown values or a 1930-1940s value of 250.00 Swiss Francs or less and accounts with Swiss addresses, and 2.2 million accounts that ICEP concluded should not be included within the Account History Database (“AHD”), that is, within the approximately 36,000 accounts that ICEP determined were “probably or possibly” owned by victims of Nazi persecution.

The accounts awarded are part of a group of accounts identified in the TAD.

## **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 two claims of the Claimant in one proceeding.

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner and the Power of Attorney Holder. The names, city and country of residence of the Claimant’s stepfather and mother match the unpublished names, city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant also identified the name and branch of the bank where the accounts were held.

The CRT notes that the other claims to these accounts were disconfirmed because those claimants provided different cities and countries of residence than the city and country of residence of the Account Owner and the Power of attorney Holder.

### 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, that he resided in Nazi-occupied Czechoslovakia, and that he was forced to perform slave labor.

---

<sup>3</sup> These 59 audited banks represent 254 banks that existed in the 1933-1945 period.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner and the Power of Attorney Holder by submitting specific information, demonstrating that the Account Owner was the Claimant's stepfather and the Power of Attorney Holder was the Claimant's mother.

The CRT further notes that the Claimant identified unpublished information about the Account Owner and the Power of Attorney Holder as contained in the Bank's records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner and the Power of Attorney Holder were well known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owner and the Power of Attorney Holder, as he has asserted in his Claim Form.

There is no information to indicate that the Account Owner and the Power of Attorney Holder have other surviving heirs.

### The Issue of Who Received the Proceeds

Given that the Account Owner and the Power of Attorney Holder resided in Nazi-occupied Czechoslovakia, that assets of Dr. Ernst Blum were included for reporting in 1962 Survey, though were ultimately not reported; that there is no record of the payment of the Account Owner's accounts to him or to the Power of Attorney Holder nor any record of a date of closure of the accounts; that the Account Owner, the Power of Attorney Holder and their heirs would not have been able to obtain information about his accounts 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 (b), (h), (i) 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 accounts' proceeds were not paid to the Account Owner, the Power of Attorney Holder or their heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owner, the Power of Attorney Holder 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 claims are admissible in accordance with the criteria contained the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his stepfather and his mother's second husband, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor the Power of Attorney Holder, nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owner held one custody account and one account of unknown type. With regard to the custody account, the CRT notes that the Bank's records indicate that the value

of the account as of 12 December 1963 was SF 1,590.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,900.00, which reflects numbered account fees and standardized bank fees charged to the custody account between 1945 and 1963. Consequently, the adjusted balance of the account at issue is SF 3,490.00. According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 13,000.00. The current value of the amount of the account 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 amount of SF 162,500.00 for this account.

With regard to the account of unknown type, 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 an account of unknown type was SF 3,950.00. 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 amount of SF 49,375.00 for this account.

Consequently, the total award amount for the two accounts is SF 211,875.00.

### **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 claims 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) at banks other than the Bank.

### **Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
10 November 2007