

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]

in re Account of Richard Blumberg and Sophie Blumberg

Claim Numbers: 401737/RS;¹ 401742/RS; 707262/RS

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) and the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) (together, the “Claimants”) to the published account of Richard Blumberg (“Account Owner R. Blumberg”) and Sophie Blumberg (“Account Owner S. Blumberg”) (together, the “Account Owners”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 Claimants

Claimant [REDACTED 2] submitted an Initial Questionnaire identifying Account Owner S. Blumberg as Sophie (Sofia) Blumberg, née Margulius, who was his father’s cousin; and identifying Account Owner R. Blumberg as Richard (Riccardo) Blumberg, who was the husband of Sophie Blumberg.

¹ Claimant [REDACTED 2] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered FRE-0005163, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those IQs which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 707262.

² The CRT notes that, on the list of account owners reported in the 1962 Survey (further defined in the body of this award) (the “1962 Survey List”), which was published by the Swiss Government on 19 January 1999; and on the List of Account Owners Published in 2005 (the “2005 List”), Richard Blumberg and Sophie Blumberg are both listed as account owners. Upon careful review, the CRT has concluded that the records from the Swiss Federal Archive evidence the existence of only one account jointly owned by Richard and Sophie Blumberg.

Claimant [REDACTED 1] submitted two claim forms identifying Account Owner R. Blumberg as Richard (Ricardo) Blumberg, the son of his maternal grandmother's cousin [REDACTED]; and identifying Account Owner S. Blumberg as Sophie Blumberg, née Margulies, who was the wife of Richard Blumberg.

The Claimants stated that Sophie Blumberg was born on 20 July 1902 in Bucharest, Romania, to [REDACTED] and [REDACTED], née [REDACTED]. The Claimants indicated that Sophie and Richard Blumberg were married on 23 May 1929 in Bucharest. According to the Claimants, Sophie Blumberg and her parents lived at 42 Popa Soare Street in Bucharest.

The Claimants indicated that Richard Blumberg was born in 1901 in Constantinople (today, Istanbul), Turkey to [REDACTED] and [REDACTED], née [REDACTED], both of whom lived in Bucharest at the time of Richard Blumberg's marriage in 1929. The Claimants stated that Richard Blumberg was a civil servant.

According to the Claimants, Richard and Sophie Blumberg did not have any children. The Claimants explained that in 1939, Richard and Sophie Blumberg, both of whom were Jewish, fled persecution in Romania and moved to the suburbs of Paris, France; Claimant [REDACTED 2] indicated that in 1939 the couple lived in the Paris suburb of Argenteuil, at 3 Place de la Gare. According to Claimant [REDACTED 2], the fact that Richard and Sophie Blumberg were Romanian citizens protected them from persecution by the Nazi Regime in France for most of the year 1940. Claimant [REDACTED 2] stated that Richard and Sophie Blumberg were nonetheless betrayed as Jews in late 1940, and were forced to flee France. Claimant [REDACTED 2] stated that Richard and Sophie Blumberg, who held a bank account in Switzerland, attempted to enter Switzerland, but were refused entry. According to Claimant [REDACTED 2], the couple subsequently attempted to reach Spain; however, on 9 December 1941, the convoy carrying the couple and forty other refugees disappeared somewhere near the Spanish border.

In support of his claim, Claimant [REDACTED 2] submitted copies of: (1) the marriage certificate of Riccardo Blumberg and Sofia Margulius, indicating that they were married in Bucharest on 23 May 1929; (2) a detailed marriage certificate, indicating that Ricardo Blumberg was born in Constantinople, that Sofie Margulius was born in Bucharest, and that Sofie Margulius lived with her parents at 42 Popa Soare Street in Bucharest; and (3) the death certificate of Claimant [REDACTED 2]'s father, [REDACTED], indicating that [REDACTED] was born in Romania, and that his mother was [REDACTED], née [REDACTED].

In support of his claim, Claimant [REDACTED 1] submitted copies of: (1) his marriage certificate, indicating that he is the son of [REDACTED]; (2) his parents' marriage certificate, indicating that his father and his mother, [REDACTED], were Jewish, and that his mother's mother was [REDACTED]; and (3) an extract from the Istanbul Ashkenazi Jewish Community registry, indicating that [REDACTED] and [REDACTED], whom Claimant [REDACTED 1] identified as Richard Blumberg's parents, were married in September 1900 in Bucharest.

Claimant [REDACTED 2] indicated that he was born on 14 November 1931. Claimant [REDACTED 1] indicated that he was born on 30 October 1925 in Budapest, Hungary.

Information Available in the Bank's Record

The CRT notes that 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 report an account belonging to Richard or Sophie Blumberg during their investigation of the Bank. The documents evidencing an account belonging to Richard and Sophie Blumberg were obtained from archival sources in Switzerland and are further described below.

Information Available in the Swiss Federal Archive

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”). In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the assets of Richard and Sophie Blumberg, numbered 27.

According to these records, the Account Owners were Mr. (“*Herr*”) Richard Blumberg and Mrs. (“*Frau*”) Sophie Blumberg, who were married. The records indicate that the Account Owners held a demand deposit account at the Bank. According to these records, in 1934 the Account Owners provided the Bank with an address of 42 Strada Popa Soaro, Bucharest IV, Romania, and in 1939, they provided the Bank with a new address of Strada Caragiale 1, Bucharest. The Bank reported that its last contact with the Account Owners was before the end of the Second World War.

The Swiss Federal Archive records indicate that the account had a balance of 185.00 Swiss Francs (“SF”) as of 1 September 1963. The records further indicate that in 1966 Dr. H. Häberlin of Weinfelden, Switzerland, was appointed guardian of the account. The records from the Swiss Federal Archive do not indicate the ultimate disposition of the account. There is no evidence in the records from the Swiss Federal Archive that the Account Owners or their heirs closed the account and received the proceeds themselves.

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 claims of the Claimants in one proceeding.

Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. The Claimants' relatives' names and city and country of residence match the published names and city and country of residence of the Account Owners. The Claimants identified the Account Owners' exact street address in Bucharest, and the fact that the Account Owners were married, which matches unpublished information about the Account Owners contained in the records from the Swiss Federal Archive.

In support of his claim, Claimant [REDACTED 2] submitted documents, including the marriage certificate of Ricardo (Richard) and Sofie (Sophie) Blumberg, providing independent verification that the persons who are claimed to be the Account Owners had the same names, and resided at the same street address recorded in the records from the Swiss Federal Archive as the names and street address of the Account Owners.

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

Status of the Account Owners as Victims of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners, who were Jewish, fled persecution in Romania and settled in France in 1939. Claimant [REDACTED 2] indicated that the Account Owners were also forced to flee France in late 1940, and that they attempted to enter Switzerland in early 1941, but were denied entry. Claimant [REDACTED 2] further indicated that the Account Owners subsequently attempted to flee to Spain. Both Claimants indicated that soon thereafter, the Account Owners simply disappeared, and were never heard from again; Claimant [REDACTED 2] indicated that the convoy of refugees with which the Account Owners were traveling disappeared somewhere near the Spanish border on 9 December 1941.

The Claimants' Relationships to the Account Owners

Claimant [REDACTED 2] has plausibly demonstrated that he is related to Account Owner S. Blumberg by submitting specific information demonstrating that Account Owner S. Blumberg was Claimant [REDACTED 2]'s father's cousin; and Claimant [REDACTED 1] has plausibly demonstrated that he is related to Account Owner R. Blumberg by submitting specific information demonstrating that Account Owner R. Blumberg was the son of Claimant [REDACTED 1]' maternal grandmother's cousin.

The CRT further notes that the Claimants both identified unpublished information about the Account Owners as contained in the records from the Swiss Federal Archive. Additionally, Claimant [REDACTED 2] submitted his father's death certificate, indicating that his father came from the same country as the Account Owners; and Claimant [REDACTED 1] submitted his own and his parents' marriage certificates, showing that his maternal relatives had the same last name as the Account Owners.

There is no information to indicate that the Account Owners have other surviving heirs.

The Issue of Who Received the Proceeds

The records from the Swiss Federal Archive indicate that the account was registered in the 1962 Survey. The records from the Swiss Federal Archive do not indicate the ultimate disposition of the account. There is no evidence in the records that the Account Owners or their heirs closed the account and received the proceeds themselves.

Given that the Account Owners disappeared while fleeing Nazi persecution in 1941; that there is no record of the payment of the Account Owners' account to them, nor any record of a date of closure of the account; that the Account Owners' heirs would not have been able to obtain information about the 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 Owners or 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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that Account Owner S. Blumberg was Claimant [REDACTED 2]'s father's cousin, and Claimant [REDACTED 1] has plausibly demonstrated that Account Owner R. Blumberg was the son of his maternal grandmother's cousin, and those relationships justify an Award.

Amount of the Award

In this case, the Account Owners held one demand deposit account. The records from the Swiss Federal Archive indicate that the value of the demand deposit account as of 1 September 1963 was SF 185.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1964. Consequently, the adjusted balance of the account at issue is SF 470.00. 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, to produce a total award amount of SF 26,750.00.

Division of the Award

According to Article 25(1) of the Rules, if an account is a joint account and Claimants related to each of the Account Owners have submitted claims to the Account, it shall be presumed that each Account Owner was the owner of an equal share of the Account.

In this case, Claimant [REDACTED 2] is related by blood to Account Owner S. Blumberg, and Claimant [REDACTED 1] is related by blood to Account Owner R. Blumberg.

With regard to Account Owner S. Blumberg's share of the Account, according to Article 23(1)(e), if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. Claimant [REDACTED 2] is a descendant of Account Owner S. Blumberg's grandparents. Accordingly, Claimant [REDACTED 2] is entitled to Account Owner S. Blumberg's share of the account, or one-half of the total award amount

With regard to Account Owner R. Blumberg's share of the account, according to Article 23(1)(g), if none of the persons entitled to an award pursuant to Article 23(1)(a-f) has submitted a claim, the CRT may make an award to any relative of the account owner, whether by blood or by marriage, who has submitted a claim, consistent with principles of fairness and equity. Claimant [REDACTED 1], as a descendant of Account Owner Richard Blumberg's great-grandparents, is related by blood to Account Owner R. Blumberg, whereas Claimant [REDACTED 2] is related only by marriage to Account Owner R. Blumberg. Consequently, and in accordance with the principles of fairness and equity, Claimant [REDACTED 1] is entitled to Account Owner R. Blumberg's share of the account, or one-half of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
21 December 2007