

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Katherine Ecklund

in re Account of Frantisek Bondy

Claim Number: 401343/WT¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Katherine Ecklund, née Virkus, (the “Claimant”) to the published account of Frantisek Bondy (the “Account Owner”) at the Zurich branch of 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 her maternal uncle, Frantisek (Frantiseck, Franz) Neuburg, also known as Frantisek Bondy, who was born on 9 August 1914 in Vienna, Austria. The Claimant indicated that her uncle, who was Jewish, was the son of Georg Neuburg and Rosa Neuburg, née Benedikt (Bondy), and the brother of Elisabeth Virkus, née Neuburg, who is the Claimant’s mother. The Claimant further indicated that her uncle, who was a clerk, lived at Belcrediho 64 in Prague, Czechoslovakia (now the Czech Republic) from 1934 until 1939, and subsequently in Pokoj, Poland. In a telephone conversation with the CRT on 15 February 2007, the Claimant stated that her family’s last contact with her uncle was in 1940, when he sent her mother a letter from Radywyliv, Ukraine. The Claimant also indicated that her uncle perished during the Second World War, either trying to escape from a camp or trying to cross the border.

In support of her claim, the Claimant submitted (1) a detailed family tree, indicating that Georg Neuburg was married to Rosa Neuburg, née Bondy, and that they had two children, Frantisek and Liesl; and (2) her mother’s death certificate, indicating that Elisabeth Virkus, who was born in Czechoslovakia to parents George Neuburg and Rosel Neuburg, née Benedikt, died on 24 May 1971 and had a daughter, Katherine Muldron. The Claimant indicated that she was born on 30 September 1949 in Chicago, Illinois, the United States.

¹ The Claimant submitted one additional claim, which is registered under the Claim Number 401337. The CRT will treat this claim in a separate determination.

Information Available in the Bank's Records

The Bank's records consist of two numbered account registers and printouts from the Bank's database. According to these records, the Account Owner was Frantisek (Frantiseck) Bondy, who resided in Prague, Czechoslovakia. The Bank's records indicate that the Account Owner held an account, numbered 66032, the type of which is not indicated. The Bank's records further indicate that the account was opened on 22 March 1938 and closed on 18 January 1940. The Bank's records do not indicate the value of this account. There is no evidence in the Bank's records 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 uncle's name matches the published name of the Account Owner. The Claimant identified the Account Owner's uncle's city and country of residence, which matches the unpublished information of the Account Owner contained in the Bank's records.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a page of testimony submitted by the Claimant in 1999, which indicates that Frantisek Neuburg was born on 8 September 1914 in Vienna, 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 the name Frantisek Bondy appears only once on the List of Account Owners Published in 2005 (the "2005 List").

The CRT notes that there are no other claims to this account. Taking all of 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 perished during the Second World War. As noted above, a person named Frantisek Neuburg was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was her uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records. The CRT further notes that the Claimant also identified information which matches information about the Account Owner contained in the Yad Vashem

records. The CRT further notes that the Claimant submitted a copy of a detailed family tree. 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 her mother's death certificate, which provides independent verification that the Claimant's relatives resided in Czechoslovakia. 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 of this information supports the plausibility that the Claimant is related to the Account Owner, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was opened on 22 March 1938 and closed on 18 January 1940. Given that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about their 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 the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, 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 numbered account, the type of which is not indicated. 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 investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of an account of unknown type was 3,950.00 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 49,375.00.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
29 May 2007