

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant [REDACTED]  
represented by Dr. Walter Friedrich

## **in re Accounts of Eugen and Frida Boschan**

Claim Number: 501442/SJ

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of Eugen Boschan. This Award is to the published accounts of Eugen Boschan (“Account Owner E. Boschan”) and the unpublished accounts of Frida Boschan (“Account Owner F. Boschan”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).<sup>1</sup>

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 Owners as his maternal great-uncle by marriage, Dr. Eugen Josef Boschan, who was born on 10 August 1861 in Ischl, Austria, and his maternal great-aunt, Frida (Frieda) Karoline Sarg on 19 May 1903 in Vienna, Austria, who were married. The Claimant indicated that his great-uncle, who was Jewish, was a lawyer and an investor in real estate in Vienna. The Claimant indicated that his great-uncle lived in Vienna between at least 1898 and 1938, with residences during those years at Burgring 1, Kantgasse 3 and Schwindgasse 7. The Claimant stated that his great-uncle died in Vienna on 22 April 1938 and that his great-aunt died in Vienna on 27 July 1945. The Claimant submitted the following documents in support of his claim:

1. his great-uncle’s will, dated 24 January 1937, which indicates that Eugen Boschan's sole heir is his wife, Frieda Boschan, and in which he made many individual bequests to his

---

<sup>1</sup> 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”), Eugen Boschan is indicated as having one account. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of two accounts, which were jointly held with Frida Boschan.

relatives, including a bequest of 30,000.00 Schillings (“S”) to his niece, [REDACTED], a bequest of S 30,000.00 to the children of [REDACTED], in equal shares, and in which he bequeathed his violin to his grandnephew, [REDACTED], the Claimant;

2. the inheritance certificate pertaining to the estate of Dr. Eugen Boschan, which indicates that he died in Vienna on 22 April 1938;
3. his great-aunt’s will, dated 6 March 1938, which indicates that Frida Boschan's heirs, in equal shares, were her sister [REDACTED], née [REDACTED], and her niece, [REDACTED], née [REDACTED], and which further states that if either of her heirs were to forfeit their inheritance or to predecease Frida Boschan, that their respective shares would pass to their children, in equal shares, specifically naming the Claimant and his sister, [REDACTED], as the children of [REDACTED];
4. the inheritance certificate pertaining to the estate of Frida Boschan, indicating that Frida Boschan died on 27 July 1945 in Vienna, that her niece, [REDACTED], was entitled to half of her estate, and that her nephews, Dr. [REDACTED] and [REDACTED], were each entitled to one-quarter of her estate;
5. a copy of the marriage certificate of Eugen Boschan and Frida Sarg;
6. the death certificate of his mother, [REDACTED], née [REDACTED], indicating that she was the widow of [REDACTED], and that she died on 30 January 1991 in England; and
7. his own birth certificate, indicating he was the son of [REDACTED] and [REDACTED].

The Claimant indicated that he was born on 13 October 1924 in Vienna.

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

The Bank’s records consist of lists of dormant accounts, an account statement, and printouts from the Bank’s database. According to these records, the Account Owners were Dr. Eugen Boschan and *Frau* (Mrs.) Frida Boschan, who were of Austrian nationality, and who resided in Vienna, Austria. The Bank’s records indicate that the Account Owners jointly held a custody account numbered 232949 and a corresponding demand deposit account. The Bank’s records indicate that the accounts were opened before 18 April 1935.

According to the Bank's records, the accounts were considered for registration in the survey of assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution, conducted by Swiss banks pursuant to a Federal decree in 1962 (the "1962 Survey"), but were not included in the survey because of their low value. The Bank's records indicate that the value of the accounts in 1962 was 137.50 Swiss Francs ("SF"). The Bank's records further indicate that in 1969, the custody account contained 21 shares of stock in *Cia. de Mocambique* with a nominal value of 250.00 Escudos each. The Bank's records do not indicate the market value of the securities held in the custody account.

According to the Bank's records, the accounts were closed on 10 April 1978. The value of the accounts on the date of their closure is not known. There is no evidence in the Bank’s records that the Account Owners or their heirs closed the any of these accounts and received the proceeds themselves.

## **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the “1938 Census”). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Eugen Boschan, numbered 60954. These documents consist solely of a letter addressed to *Herr* (Mr.) Franz Meister from the *Vermögensverkehrsstelle* regarding the aryanization of the *Belvederegarage* belonging to Eugen Boschan. These records make no mention of assets held in a Swiss bank account.

## **The CRT’s Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. The Claimant’s maternal great-uncle’s name and city and country of residence match the published name and city and country of residence of Account Owner E. Boschan. The Claimant identified the name of his great-uncle’s wife,<sup>2</sup> which matches the unpublished name of Account Owner F. Boschan. The Claimant further identified his great-uncle’s professional title as that of “Doctor,” which matches additional unpublished information about Account Owner E. Boschan contained in the Bank’s records.

In support of his claim, the Claimant submitted documents, including Eugen and Frida Boschan's wills and certificates of inheritance, and the marriage certificate of Eugen and Frida Boschan, providing independent verification that the people who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank’s records as the names and the city of residence of the Account Owners.

The CRT notes that the name Eugen Boschan appears only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution. The CRT notes that there are no other claims to these accounts.

### Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish and that they resided in Nazi-controlled Austria.

### The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to the Account Owners by submitting specific information and documents, demonstrating that the Account Owners were the

---

<sup>2</sup> The CRT notes that the name of Eugen Boschan's wife was alternately spelled “Frida” and “Frieda.”

Claimant's great-uncle and great-aunt, respectively. These documents include the Account Owners' wills, in which the Claimant is named as the Account Owners' grand-nephew.

### The Issue of Who Received the Proceeds

Given that the accounts were closed on 10 April 1978, many years after the deaths of the Account Owners; that there is no record of the payment of the accounts to the Account Owners; that the Account Owners and their heirs would not have been able to obtain information about their 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) 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 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 Owners were his great-uncle and great-aunt, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

### Amount of the Award

In this case, the Account Owners jointly held one demand deposit account and one custody account. The Bank's records indicate that the total value of the accounts in 1962 was SF 137.50. The Bank's records do not specify the value of the demand deposit account and the value of the custody account separately. Furthermore, the Bank's records indicate that the custody account contained 21 shares of stock in *Cia. de Mocambique* with a nominal value of 250.00 Escudos each, but they do not indicate the market value of these securities.

According to Article 29 of the Rules, if the amount in a custody account was less than SF 13,000.00, 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 custody account shall be determined to be SF 13,000.00, and the amount in the demand deposit account shall be determined to be SF 2,140.00. The current value of the amount of the award is determined by multiplying the balances 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 189,250.00.

### **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  
10 August 2005