

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Dorothy Abarbanel

## **in re Account of Albert Brandt**

Claim Number: 601416/AA

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of Dorothy Abarbanel (the “Claimant”) to the account of Albert Brandt (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 her late husband, Albert Abarbanel (*alias* Albert Brandt), who was born in Hamburg, Germany, on 8 January 1896 and died in New York, United States of America, on 13 March 1971. According to the Claimant, her late husband, who was Jewish, was a professor of philosophy at a university in Hamburg, Germany and was an opponent of the Nazis during their rise to power and even encouraged his students at the university to resist the Nazis. The Claimant explained that, when the Nazis initially came to power, her late husband deposited the majority of his assets in a bank in Switzerland in order to protect them from the Nazis. The Claimant stated further that her husband knew Joseph Goebbels when they were students at the University of Heidelberg and that Goebbels, too, was familiar with her late husband’s anti-fascist views. The Claimant stated that because her late husband was outspoken about his contempt for Hitler and the Nazi regime, she believed he was targeted early by the Nazis. In approximately 1933, as her late husband was preparing his lecture materials for a philosophy class, his mother made a frantic call to him warning him to leave his home immediately because the “brownshirts” were looking for him. The Claimant’s husband escaped safely and was able to flee Germany in 1933 and went to the United States of America.

Although the Claimant’s late husband was able to escape Germany in 1933, he was committed to bringing the public’s attention to the threats the Nazis posed and campaigned against them through lecturing, writing magazine articles, and speaking on a weekly radio program called “*The Trojan Horse*.” On several occasions, the Claimant’s late husband was attacked by Nazi supporters in New York after his radio broadcasts and was beaten so severely that he had to be

hospitalized. The Claimant's late husband also helped co-author the book *Nazism: An Assault on Civilization* by Dorothy Thompson, and used the pseudonym, Albert A. Brandt, to protect his family still living in Europe. In fact, the Claimant stated that he wrote hundreds of political articles for magazines under this pseudonym. In support of her claim, the Claimant submitted a detailed account of her late husband's life, an excerpt from his curriculum vitae, a copy of "Who's Who in American Jewry," which mentions Albert Abarbanel (Albert Brandt), selections from newspapers regarding the Account Owner, and her late husband's death certificate. The Claimant was born on 20 December 1924.

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

The bank records consist of a printout of the Bank's electronic database listing accounts that are still open. According to this printout, the Account Owner was Albert Brandt. The bank records indicate that the Account Owner held a passbook account (savings account). There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The amount in the account on 1 January 1999 was 0.06 Swiss Francs. The bank records, which do not contain any additional biographical information on the Account Owner, show that the account remains open today.

### **The CRT's Analysis**

#### Identification of the Account Owner

The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. However, the Claimant has submitted a well-documented claim, showing that her late husband used the pseudonym Albert A. Brandt as early as 1934. The pseudonym used by the Claimant's late husband matches the name of the Account Owner, and the CRT has received no other claim to this account as of the date of this Award. The Claimant indicated that her husband deposited the majority of his assets in a Swiss bank.

#### 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 documents submitted by the Claimant show that the Account Owner was Jewish, and the Claimant stated that her late husband fled Germany after Hitler's rise to power in 1933.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting numerous documents, including her late husband's death certificate, that demonstrate that the Claimant is the Account Owner's surviving spouse. The information submitted by the Claimant

indicates that the Account Owner has two children who are still alive, but they have not submitted a claim to their father's account.

#### The Issue of Who Received the Proceeds

The bank records indicate the account remains open and dormant. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

#### 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her husband, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

The bank records indicate that the value of the account as of 1 January 1999 was 0.06 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 925.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1945 and 1999. This amount is reduced by 714.34 Swiss Francs, to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 210.72 Swiss Francs. According to Article 35 of the Rules, if the amount in a passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value and 35% of the total award amount is 3,486.00 Swiss Francs.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 25 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