

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Eva Marian Brown

in re Account of Fritz Braun

Claim Number: 214850/IG

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claim of Eva Marian Brown (the “Claimant”) to the account of Fritz Braun (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 father, Fritz Braun, who was born on 15 April 1897 in Vienna, Austria, and was married to Greta Braun, née Maldauer, on 27 March 1943 in New York, New York. The Claimant stated that her father, who was Jewish, was an anesthesiologist, and that in 1940 he was forced to flee Vienna. The Claimant indicated that her father fled first to France, where he had to remain in a refugee camp, and then to the United States. According to the Claimant, her father died in Denver, Colorado, in 1987. In support of her claim, the Claimant submitted her birth certificate, indicating that Fritz Braun was her father; and her father’s Austrian passport, marriage certificate and naturalization certificate, indicating his name change from Fritz Braun to Fred Brown by a court order on 12 October 1945. The Claimant stated that she was born on 10 March 1944 in New York.

Information Available in the Bank’s Record

The Bank’s record consists of a protocol of a forced opening of the safe numbered II/353 on 21 February 1946. According to this record, the Account Owner was Fritz Braun, who resided in Vienna, Austria. The Bank’s record indicates that the Account Owner held a safe deposit box account that was frozen in the 1945 Swiss Freeze of German Assets. 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 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 record 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 father's name matches the published name of the Account Owner. The Claimant identified her father's place of residence as Vienna, Austria, which matches published information about the Account Owner contained in the Bank's record. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name and place of residence. In support of her claim, the Claimant submitted her birth certificate, identifying the claimed account owner as her father, Fritz Braun; the Claimant also submitted her father's Austrian passport, marriage certificate and naturalization certificate, indicating his name change from Fritz Braun to Fred Brown by a court order on 12 October 1945. The CRT notes that the other claims to this account were disconfirmed due to inconsistent country of residence information provided by the other claimants. 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 in 1940 he was forced to flee Vienna. The Claimant indicated that her father fled first to France, where he had to remain in a refugee camp, and then to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is his daughter. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner's account was subject to the Swiss freeze of German assets, that this account remained in existence after the war, that the Account Owner's safe deposit box was forcibly opened in 1946, and that there is no record of the payment of the account to the Account Owner after the war, as well as 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 Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, 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 safe deposit box. 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 a safe deposit box account was 1,240.00 Swiss Francs. 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 15,500.00 Swiss Francs.

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
July 15, 2003