

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Françoise Bloch  
also acting on behalf of Sophie Briefel and Anne Levy

## **in re Account of Adeline Breisacher**

Claim Number: 300229/CN

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Françoise Bloch, née Salomon-Breisacher, (the “Claimant”) to the published account of Adeline Breisacher (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).<sup>1</sup>

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 adoptive father's mother, Adeline Breisacher, née Lehmann, who was born in 1876. The Claimant indicated that her adoptive grandmother, who was Jewish, was married to Louis Breisacher, who died on 28 March 1915. The Claimant indicated that her grandparents had three sons: Pierre, Raymond, and Alexis (the Claimant's adoptive father). In a telephone conversation with the CRT on 4 April 2006, the Claimant stated that she believed that her grandmother lived in France during the Second World War. The Claimant indicated that her grandmother died on 28 June 1955. According to information provided by the Claimant, her mother married her adoptive father in 1956, and he subsequently adopted the Claimant in 1965.

The Claimant submitted copies of (1) a decision from the tribunal of Mulhouse, France, indicating that the Claimant's biological father, René Salomon, died in 1949, that her mother married Alexis Breisacher in 1956, and that he adopted the Claimant in 1965; and (2) her adoptive father's birth certificate, indicating that Alexis Breisacher was born on 21 September 1906 in Mulhouse, and that his parents were Louis Breisacher and Adeline Lehmann.

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<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”), Adeline Breisacher is indicated as having two accounts. Upon careful review, the CRT has concluded that the Bank's record evidences the existence of only one account.

The Claimant indicated that she was born on 11 August 1946 in Luxembourg. The Claimant is representing her nieces, Sophie Briefel, née Bodenheimer, and Anne Levy, née Bodenheimer, who are the daughters of Alexis Breisacher's daughter Nicole Bodenheimer, née Breisacher. The Claimant indicated that Adeline Breisacher's son Raymond had a child, Michel, but did not indicate whether he is still alive or that she is representing him in this case.

### **Information Available in the Bank's Record**

The Bank's record consists of a customer card. According to this record, the Account Owner was *Madame* (Mrs.) *Veuve* (widow) Adeline Breisacher, who originally resided in Geneva, Switzerland, and later in France. The Bank's record indicates that the Account Owner held one savings/passbook account, numbered 23992, which was opened on 7 January 1938. The Bank's record indicates that the account was closed on 19 June 1952. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her heirs closed the account and received the proceeds themselves.

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

#### Identification of the Account Owner

The Claimant's grandmother's name and country of residence match the published name and country of residence of the Account Owner. The Claimant indicated that the Account Owner was a widow, which matches unpublished information about the Account Owner contained in the Bank's record.

In support of her claim, the Claimant submitted documents, including the birth certificate of her adoptive father Alexis Breisacher, indicating that his parents were Louis Breisacher and Adeline Lehmann, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner.

The CRT notes that the name Adeline Breisacher 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 also 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 Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and resided in France during the Second World War.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the mother of the Claimant's adoptive father. These documents include a decision from the tribunal of Mulhouse, indicating that the Claimant had been adopted by Alexis Breisacher, and the birth certificate of Alexis Breisacher, indicating that his parents were Louis Breisacher and Adeline Lehmann.

### The Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 19 June 1952. Given that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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 her 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 and the parties she represents. 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 grandmother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one savings/passbook account. 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 a savings/passbook account was 830.00 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 10,375.00.

### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a

claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her two nieces, who are siblings. The CRT notes that Article 46(5) of the Rules defines a “child” as “a biological child born in or out of wedlock, or an adopted child.” Accordingly, the Claimant, who is the adopted daughter of the Account Owner’s son Alexis, a descendant of the Account Owner and is entitled to one-half of the total Award amount, and represented parties Sophie Briefel and Anne Levy, who are the daughters of Alexis Breisacher’s daughter Nicole, are each entitled to one-quarter of the total Award amount.

### **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  
21 June 2006