

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Sarah Jacobowitz

in re Account of Jos. Bucher

Claim Number: 202885/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Sarah Jacobowitz, née Bucher, (the “Claimant”) to an account of Majer (Meyer) Bucher.¹ This Award is to the unpublished account of Jos. Bucher (the “Account Owner”) at the Lucerne 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 paternal grandfather, Joseph Bucher, who was married to Shandel Bucher. In a telephone conversation with the CRT on 11 March 2002, the Claimant indicated that her grandfather’s middle name was Zalman but noted that she did not have much information about her grandfather, though she stated that he may have died before the Second World War. The Claimant indicated that Joseph Bucher was Jewish and that he and Shandel Bucher had one son, the Claimant’s father, [REDACTED], who was born in 1890 in Poland. The Claimant indicated that her father, who was Jewish, was forced to flee Poland in 1939 and was later sent to Siberia to perform slave labor. The Claimant indicated that she was born on 4 February 1935 in Rymanow, Poland.

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Mayer Bucher.

Information Available in the Bank’s Record

The Bank’s record consists of a printout from the Bank’s database. According to this record, the Account Owner was Jos. Bucher. The Bank’s record does not contain information about the Account Owner’s domicile. The Bank’s record indicates that the Account Owner held one

¹ The CRT will treat the claim to this account in a separate determination.

account, the type of which is not indicated. The Bank's record further indicates that the account was transferred to a suspense account for dormant assets on 11 May 1956. The amount in the account on the date of its transfer was 142.40 Swiss Francs ("SF"). The account remains suspended.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the unpublished name of the Account Owner.² The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Joseph Bucher's son, [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant had reason to believe that her relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. 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 CRT notes that while the Claimant indicated that her grandfather was Jewish, she was uncertain as to whether he died before or during the Second World War. However, the Claimant indicated that the Account Owner's son and likely heir was a Victim of Nazi Persecution and stated that the Account Owner's son was Jewish, and that he was forced to flee Poland in 1939 and was later sent to Siberia to perform slave labor.

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 the Claimant's grandfather. The CRT notes that the Claimant identified the unpublished name of the Account Owner as contained in the Bank's record, and that the Claimant filed an Initial Questionnaire with the Court in 1999, identifying the relationship between the Account Owner's son and the Claimant, prior to the publication in February 2001 of the ICEP List. 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.

² The CRT notes that the Bank's record indicates that the Account Owner's name was "Jos. Bucher," while the Claimant indicated that her grandfather was Joseph Bucher. The CRT further notes that Jos. is a plausible abbreviation for the name Joseph.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a suspense account, where it remains.

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 Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her grandfather, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's record indicates that the value of the account as of 5 November 1956 was SF 142.20. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 180.00, which reflects standardized bank fees charged to the account between 1945 and 1956. Consequently, the adjusted balance of the account at issue is SF 322.20. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The current value of the amount of the award is determined by multiplying the balance 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 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
23 February 2006