

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Emil Buechler

Claim Number: 200944/SB

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], formerly [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the published account of Emil Buechler (the “Account Owner”) at the Kriens branch of the [REDACTED] (the “Bank”).

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 Owner as himself, [REDACTED], formerly, known as [REDACTED], who was born on 7 September 1922 in Budapest, Hungary. The Claimant, who is Jewish, stated that he was the only child of [REDACTED], who was a shopkeeper, and [REDACTED], and that they all resided in Budapest. The Claimant added that as a young person he overheard his parents discussing a Swiss bank account. The Claimant further stated that his parents were murdered by the Nazis in Auschwitz, and that he fled Hungary, ultimately emigrating to Australia. The Claimant submitted a copy of his birth certificate, which indicates that the Claimant’s name was originally [REDACTED].

¹ The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

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 Emil Buechler. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record does not indicate the type of account held by the Account Owner, but does indicate that the amount in the account was 6.45 Swiss Francs ("SF") as of 17 December 1987. The Bank's record further indicates that the account was considered dormant by the Bank and that it was transferred to a suspense account for dormant assets on 17 December 1987. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the published name of the Account Owner. 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 did not claim his own account, but considers it likely that his parents may have opened an account in his name without his knowledge. In support of his claim, the Claimant submitted documents, including his birth certificate, 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 Emil Buechler appears only once 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"). The CRT notes that the other claim to this account was disconfirmed because that claimant indicated a different gender than that of the Account Owner. Taking all 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 he, the Account Owner, was Jewish, that his parents were murdered in Auschwitz, and that he fled Hungary.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner by submitting specific information and documents. These documents include the Claimant's birth certificate, showing that his name matches to that of the Account Owner.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense 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 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”). Second, the Claimant has plausibly demonstrated that the Account Owner is the Claimant, which 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 was SF 6.45 as of 17 December 1987. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 685.00, which reflects standardized bank fees charged to the account of unknown type between 1945 and 1987. Consequently, the adjusted balance of the account at issue is SF 691.45. 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. Consequently, the total award amount in this case is 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 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
31 March 2005