

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Paul Burger

Claim Number: 786039/BI^{1,2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of Paul Burger (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire identifying the Account Owner as her father Paul (Pàl) Burger, who was born on 19 April 1926 in Budapest, Hungary. According to the Claimant, her father lived with his parents, [REDACTED] and [REDACTED], née [REDACTED], and his older brother, [REDACTED], at Dohány utca 69 in Budapest prior to the Nazi occupation of Hungary. According to the Claimant, Paul and [REDACTED] Burger attended school in Switzerland before the Second World War. The Claimant added that her father, who was Jewish, worked as an apprentice engineer at *Janina Cigaretta Papir Gyar* in Budapest from January 1941 until his deportation to Mauthausen concentration camp in December 1944. According to the Claimant, her father was a prisoner in Mauthausen until March 1945, when he was transferred to Gunskirchen concentration camp, where he was imprisoned until his release in May 1945. The Claimant added that her paternal grandmother, [REDACTED], was arrested in 1944, and that her uncle [REDACTED] was imprisoned in

¹ Ms. [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered ENG-0624-200, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 786039.

² The Claimant submitted an additional IQ, numbered ENG-0607-075, which was forwarded to the CRT and has been assigned claim number 785545. The CRT will treat this claim in a separate determination.

Flossenburg concentration camp in November 1944, and that neither of them were heard from again. The Claimant indicated that her father died in 1960.

In support of her claim, the Claimant submitted several documents, including an English translation of her father's birth certificate, indicating that Paul Burger was Jewish and was born on 19 April 1926 in Budapest; the sworn statement of Herbert Reichlinger dated September 1956, and the sworn statement of William Horowitz dated October 1956, testifying to the imprisonment of Paul Burger in the Mauthausen and Guns kirchen concentration camps; and a document titled "Provisional identifikation [sic] card for civilian internee of Mauthausen," confirming that Pál Burger was interned at Mauthausen from 26 May 1944 until 5 May 1945.

The Claimant indicated that she was born on 11 July 1957 in the United States.

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 Paul Burger. The Bank's records do not indicate the Account Owner's place of residence.

The Bank's record indicates that the Account Owner held an account, the type of which is not indicated, numbered 36192. The Bank's record indicates that the account was suspended on 25 October 1961. The amount in the account on the date of its suspension was 6.75 Swiss Francs ("SF"). The account remains suspended today.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's name matches the unpublished name of the Account Owner. The CRT notes that the Claimant's father's first name appears as "Pál" in Hungarian documents provided by the Claimant and as "Paul" in other documents, including the sworn testimonies of witnesses in the German language, as well as the Claimant's own description. The CRT considers it plausible that the German transliteration of the name, Paul, was used 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. In support of her claim, the Claimant submitted documents, including her father's birth certificate, identifying him as Paul Burger; an identification certificate of a civilian internee in Mauthausen concentration camp identifying the Claimant's father as Pál Burger; and two sworn statements by witnesses also imprisoned in Mauthausen and identify the Claimant's father as Paul Burger. The documents provide 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 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 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, resided in Nazi-allied Hungary, and was a prisoner in Mauthausen and Gunskirchen concentration camps from May 1944 until May 1945. The Claimant also submitted a certificate of identification of a civilian internee in Mauthausen concentration camp and two sworn testimonies that confirm that the Account Owner was held as a prisoner in the Mauthausen and Gunskirchen concentration camps.

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 Claimant's father. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant identified the unpublished name of the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted a copy of the Account Owner's birth certificate and identification card as an internee at Mauthausen. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended on 25 October 1961, and that it remains suspended today.

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. 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 an account of unknown type. The Bank's records indicate that the value of the account as of 25 October 1961 was SF 6.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00, which reflects numbered account fees and standardized bank fees charged to an unknown type account between 1945 and 1961. Consequently, the adjusted balance of the account at issue is SF 261.75. According to Article 29 of the Rules, if the amount in an unknown type account 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 claims 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 March 2007