

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant Ludwig Matyas

## **in re Account of Paul Buxbaum**

Claim Number: 202520/SJ

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Ludwig Matyas (the "Claimant") to the published account of Paul Buxbaum<sup>1</sup> (the "Account Owner") at 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 his father's cousin, Paul Buxbaum, who was born sometime between 1870 and 1880 in Hungary. The Claimant stated that Paul Buxbaum's father was his paternal grandmother's brother. The Claimant also stated that although he never met his father's cousin, his family received numerous letters from him, and that many of the letters were addressed from Zitna ulice, Prague, Czechoslovakia. According to the Claimant, his father's cousin, who was Jewish, also resided in Bratislava, Czechoslovakia. The Claimant indicated that his father's cousin was a successful trader in wheat grain, and that he traveled extensively throughout Europe. The Claimant also indicated that his grandmother told him that her brother had deposited his money in a Swiss bank in order to secure his financial future. According to the Claimant, during the Second World War, his father's cousin was deported to Poland, where he perished, most likely in Auschwitz. The Claimant stated that he was born on 15 August 1921 in Vienna, Austria.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was Paul Buxbaum who resided in Prague and Lipeč, both located in Czechoslovakia. The Bank's record indicates that the Account Owner held a demand deposit account that was closed

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<sup>1</sup> In his Claim Form, the Claimant also claimed the account of Salomon Matyas. The CRT will treat the claim to this account in a separate decision.

on 31 July 1957. 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 his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant's father's cousin's name matches the published name of the Account Owner. The Claimant also identified his father's cousin's city of residence as Prague, Czechoslovakia, which matches unpublished information about the Account Owner contained in the Bank's record. Although the Claimant did not specifically identify Lipce, Czechoslovakia, the CRT notes that the Claimant did state that his uncle lived in other cities in Czechoslovakia in addition to Prague, and that he traveled extensively throughout Europe. Furthermore, the CRT notes that the name Paul Buxbaum appears only once on the February 2001 published list of accounts determined by Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution (the "ICEP List"). 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 and that he was deported to Poland, where he perished.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's father's cousin. The CRT notes that the Claimant identified unpublished information about the Account Owner, as contained in the Bank's record, which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. Furthermore, 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 was deported to Poland where he perished during the Second World War; that the account was closed unknown to whom in 1957; that there is no record of the payment of the Account Owner's account to him; that the Account Owner's heirs would not have been able to obtain information about his accounts 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 (b), (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 his father's cousin, and that relationship justifies an Award. Third, 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 Claimant held one demand deposit 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 26,750.00.

#### **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  
18 August 2004