

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]¹
represented by Stephen M. Harnik

in re Account of Bernhard Doregger

Claim Number: 501295/SI²

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Bernhard Doregger (the “Account Owner”) at 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 her paternal great-uncle Bernhard Doregger, formerly Dornensaft, who was born on 30 October 1879 and was married to [REDACTED]. The Claimant indicated that her great-uncle, who was Jewish, resided at Seidlgasse 27 in Vienna, Austria. According to the Claimant, her great-uncle emigrated to Argentina on an unknown date, and her family lost contact with him afterwards. The Claimant indicated that her paternal grandmother, [REDACTED], née [REDACTED], was the sister of Bernhard Doregger. The Claimant stated that her father was one of three children, but did not indicate whether his siblings or their children are still alive.

The Claimant submitted documents in support of her claim, including: (1) a copy of the inheritance documents of her great-grandmother [REDACTED], née [REDACTED], indicating that her children were Bernhard Doregger and [REDACTED], née [REDACTED], and that they lived in Vienna; (2) a copy of the Claimant’s parents’ marriage certificate, indicating that

¹ The CRT notes that [REDACTED] died on 24 September 2003 and that her representative forwarded the CRT a copy of her death certificate and inheritance documents.

² The Claimant submitted two additional claims, which are registered under the Claim Numbers 501289 and 501298. The CRT will treat these claims in separate determinations.

[REDACTED]'s mother was [REDACTED], née [REDACTED];³ and (3) a copy of her own birth certificate, indicating that [REDACTED] was born on 25 April 1933 in Vienna, and that her father was [REDACTED].

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Bernhard Doregger, who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a demand deposit account. The Bank's record indicates that the account was closed on 20 December 1940. The Bank's record does not indicate the amount in the account on the date of its closure. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Bernhard Doregger, numbered 66431. These documents indicate that in January 1940, Bernhard and [REDACTED] resided at Seidlgasse 27 in Vienna. According to the documents, their real property (*Liegenschaft*), which was located on Seidlgasse 27, Vienna, was aryanized for the sum of 63,502.43 Reichsmark ("RM"). These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's city of residence, which matches unpublished information about the Account Owner contained in the Bank's record. In support of her claim, the Claimant submitted a copy of her great-grandmother's inheritance documents, indicating that she had a son named Bernhard Doregger, and that he lived in Vienna, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's record as the name and city of residence of the Account Owner. The CRT notes that the name Bernhard Doregger 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 notes that there are no other claims to this account.

³ The CRT notes that the Claimant explained that the marriage certificate mistakenly indicates that the Claimant's grandmother's maiden name was [REDACTED] instead of Dornensaft.

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 resided in Vienna until emigrating to Argentina. The CRT notes that the records in the Account Owner's 1938 Census file demonstrates that he resided in Vienna after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*").

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 great-uncle. These documents include a copy of her great-grandmother's inheritance documents, indicating that her children were Bernhard Doregger and [REDACTED], née [REDACTED]; (2) a copy of the Claimant's parents' marriage certificate, indicating that [REDACTED]'s mother was [REDACTED], née [REDACTED]; and (3) a copy of her own birth certificate, indicating that her father was [REDACTED].

The Issue of Who Received the Proceeds

Given that the Account Owner resided in Vienna following the *Anschluss*; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his 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 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 her great-uncle 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 Account Owner held a 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 the

Independent Committee of Eminent Persons (“ICEP” or 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 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
12 May 2006