

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]

in re Account of Dr. Alfred Eisenstaedt

Claim Number: 218537/PY

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Alfred Eisenstaedt (the “Account Owner”) at the [REDACTED] (the “Bank”). On 10 May 2002, the Court approved the Award of the Account Owner’s custody account.¹ The CRT did not reach a decision regarding a demand deposit account held by the Account Owner, pending further consideration as to whether or not the Account Owner or his heirs received the proceeds of that account. This Award is the result of the further consideration of whether the Account Owner received the proceeds of the demand deposit account.

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 grandfather, Dr. Alfred Abraham Eisenstaedt, who was born on 21 January 1874 in Berlin, Germany, and who was married to [REDACTED], née [REDACTED], in 1901 in Berlin, with whom he had two children: [REDACTED] (the Claimant’s father), and [REDACTED], née [REDACTED]. The Claimant stated that after the death of [REDACTED] in 1921, Alfred Eisenstaedt subsequently married [REDACTED], née [REDACTED], on 19 June 1922 in Leipzig, Germany. According to the Claimant, [REDACTED] was a widow and had a daughter named [REDACTED] from her previous marriage. The Claimant stated that her grandfather resided between 1903 and 1938 at Halleschestrass 18 in Berlin. According to the Claimant, her grandfather was a lawyer by profession and held the title of Doctor of Laws. The Claimant added that Alfred Eisenstaedt traveled to Switzerland for vacations and possibly also on business. The Claimant stated that her grandfather, who was Jewish and the chairman of the Committee for Jewish Immigrants in the Jewish community in Berlin, fled to the United States in

¹ See In re Account of Alfred Eisenstaedt (approved on May 10, 2002).

approximately 1939, where he remained until his death on 2 February 1956 in Chicago, Illinois. The Claimant further stated that [REDACTED] and [REDACTED] died in the 1960s and that [REDACTED] died on 7 April 1995.

In support of her claim, the Claimant submitted Alfred Eisenstaedt's certificates of marriage as well as the rental contract of his apartment in Berlin, dated 3 August 1933 in Berlin, all of which indicate that he resided in Berlin and held the title of Doctor. In addition, the Claimant submitted her grandfather's birth and death certificates. The Claimant also submitted the birth and death certificates of her father [REDACTED], indicating that his father was Alfred Eisenstaedt, as well as her birth certificate, which indicates that her father was [REDACTED]. Finally, the Claimant submitted a copy of [REDACTED]'s will. The Claimant stated that she was born on 13 August 1952 in Chicago. The Claimant is representing [REDACTED], her brother, who was born on 2 September 1948, also in Chicago.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Dr. Alfred Eisenstaedt, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, opened on 31 January 1930 and closed on 20 June 1935. The amount in the account on the date of its closure is unknown. The Bank's record does not show to whom it was paid, nor does this record indicate the value of this account. There is no evidence in the Bank's record that the Account Owner or his heirs closed the demand deposit account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified her grandfather's city of residence as Berlin, which matches unpublished information about the Account Owner contained in the Bank's record. Additionally, the Claimant identified the title held by her grandfather, which also matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that there are no other claimants to this account.

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 fled Germany for the United States in 1939.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that the Account Owner was her grandfather by submitting documents including her grandfather's birth certificate; her father's, [REDACTED], birth certificate, indicating that his father was Alfred Eisenstaedt; and her birth certificate, indicating that her father was [REDACTED].

The Issue of Who Received the Proceeds

In evaluating whether the Account Owner or his heirs received the proceeds of the demand deposit account, the CRT took into account the facts of the opening of the Account Owner's demand deposit account in 1930 and its closing in 1935, and considered that: the Nazis embarked on a campaign in 1933 to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; the Account Owner remained in Germany until 1939, and would not have been able to repatriate his account to Germany without its confiscation; there is no record of the payment of the Account Owner's account to him; and 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 inquires by account owners because of the Banks' concern regarding double liability. Based on these factors, indicating a practical inability to receive the proceeds of his demand deposit account during the period in which the Account Owner lived in Germany, and given the application of relevant Presumptions (a), (h) and (j),² which assume such a result in this context, 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 grandfather, and that relationship justifies an Award. Finally, 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 one demand deposit account.³ 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

² These presumptions are provided for in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), as set forth in the attached Appendix A and in Appendix C to the Rules. Appendix C appears on the CRT II website -- www.crt.ii.org.

³ As stated above, the Court approved the Award of a custody account at the Bank on 10 May 2002.

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. 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 26,750.00 Swiss Francs.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner’s spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her brother, [REDACTED]. Accordingly, the Claimant and her brother are each entitled to one-half of the total Award amount.

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
August 20, 2003