

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Paul Kenneth Eisler
represented by Paul Eisler, Jr.

in re Account of Fritz Eisler

Claim Number: 208072/NB

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Paul Kenneth Eisler (the “Claimant”) to the account of Ernst Eisler.¹ This Certified Award is to the published account of Fritz Eisler (the “Account Owner”) at the Basel branch of 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 paternal grandfather, Bedřich (Friedrich) Eisler, who was married to Frantiska Eisler, née Orenstein. The Claimant stated that his grandparents had a son, named Ernst (Arnost) Eisler (the Claimant’s father) who was born on 8 August 1898, in Malin, Czechoslovakia (now the Czech Republic). Following a telephone conversation with the CRT, the Claimant submitted additional information regarding his grandfather, which indicates that his grandfather was born on 28 June 1860, was Jewish, and that he was a merchant who first resided in Malin, and who possibly later moved to Prague, Czechoslovakia. The Claimant stated that he did not have any other information regarding the fate of his grandfather.

The Claimant finally indicated that his father, Ernst (Arnost) Eisler, was confined in the ghetto in Lodz, Poland, where he perished on 27 April 1942.

¹ In a decision released 10 September 2007, the CRT treated the Claimant’s claim to the account of Ernst Eisler, Paul Kenneth Eisler, Bedřich Eisler, Frantiska Eisler, and Ella Neuman, and indicated that it did not locate an account, *inter alia*, under the specific name “Bedřich Eisler” 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”).

In support of his claim, the Claimant submitted: (1) his father's birth certificate, which indicates that Arnost Eisler, who was born on 8 August 1898 in Malin, was the son of Bedrich Eisler; and (2) his own birth certificate, which indicates that Paul Eisler was the son of Arnost Eisler and Ella Gans.

The Claimant indicated that he was born on 24 November 1927 in Vienna, Austria.

Information Available in the Bank's Records

The Bank's records consist of two lists of accounts at the Bank. According to these records, the Account Owner was Fritz Eisler. The records do not indicate the Account Owner's place of residence.

The Bank's records indicate that the Account Owner held a savings/passbook account, whose opening date is unknown, which held a balance of 28.75 Swiss Francs ("SF") as of 28 July 1948, at which time the account was transferred to the Bank's suspense account. The records further indicate that the account was closed to fees on 19 October 1964.

There is no evidence in the Bank's records 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 paternal grandfather's name matches the published name of the Account Owner. The CRT notes that the name Fritz is the German diminutive of the name Friedrich, that Bedrich is the Czech equivalent of the German name Friedrich, and that the Claimant specifically stated that Friedrich was an alternate name used by his grandfather. The CRT further notes that the Bank's records do not contain any specific information about the Account Owner other than his name.

In support of his claim, the Claimant submitted documents, including his father's 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 records as the name of the Account Owner.

The CRT notes that the name Fritz Eisler appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or 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 CRT notes that while the Account Owner may not have been a Victim of Nazi Persecution, the Account Owner's son, Ernst Eisler, was a Victim of Nazi Persecution. The Claimant stated that his father, Ernst Eisler, who was Jewish, lived in Nazi-occupied Czechoslovakia, and that he was confined in the ghetto in Lodz, Poland, where he perished on 27 April 1942.

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 and documents, demonstrating that the Account Owner was the Claimant's paternal grandfather. The Claimant submitted his birth certificate, as well as his father's birth certificate, indicating that Paul Eisler was the son of Arnost Eisler, who was the son of Bedrich Eisler.

There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees on 19 October 1964.

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 was his paternal grandfather, and this 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 one savings/passbook account. The Bank's records indicate that the account had a value as of 28 July 1948 of SF 28.75. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to a savings/passbook account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 88.75. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
13 February 2009