

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimant Elisa Graciela Braun  
also acting on behalf of Lily Eisler and Haydee Isabel Krieger

## **in re Accounts of Robert Eisler**

Claim Number: 201471/MBC

Award Amount: 181,680.00 Swiss Francs

This Certified Award is based upon the claim of Elisa Graciela Braun (the “Claimant”) to the accounts of Robert Eisler (the “Account Owner”) at the Zurich 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 her father, Robert Eisler, who was born on 17 March 1907 in Vienna, Austria, and was married to Lily Eisler, née Porges. The couple had two children: Haydee Isabel, who was born on 29 December 1942 in Buenos Aires, Argentina; and the Claimant, who was born on 19 December 1949 in Buenos Aires. The Claimant indicated that her father worked in Vienna at *M.P. Beiwagenwerke* as a production supervisor. According to the Claimant, her father, who was Jewish, resided in Vienna at Rembrandtstrasse 21 from 1907 until 1935, and at Althanplatz 26 until August 1938, at which time he fled to Argentina to avoid Nazi persecution. The Claimant stated that her father died on 20 April 1996 in Lima, Peru.

In support of her claim, the Claimant submitted her parents’ birth and marriage certificates, her father’s death certificate, and her own birth certificate. The Claimant also submitted her father’s Austrian passport, containing his signature, and stamped by the Nazi authorities as late as August 1938.

The Claimant is representing her mother and her sister in the present proceedings.

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

The bank record consists of an account opening card. According to this record, the Account Owner was *Ing.* (engineer) Robert Eisler, who resided in Vienna, Austria. The bank record indicates that the Account Owner held a demand deposit account and a custody account, numbered L49528, which were closed on 20 April 1938 and 31 May 1938, respectively.

The bank record does not show to whom the accounts were paid, nor does this record indicate the value of these accounts. There is no evidence in the bank record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name and country of residence match the published name and country of residence of the Account Owner. The Claimant further indicated that her father resided in Vienna, Austria, which matches unpublished information about the Account Owner's city of residence contained in the bank record. Moreover, the Claimant indicated that her father was a production supervisor in a factory, which is consistent with unpublished information in the bank record that the Account Owner was an engineer. The Claimant submitted documents in support of her claim, which show that her father was born in Vienna, Austria, and also resided there. The CRT notes that there are no other claims to these accounts.

### 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 in August 1938 from Vienna, Austria, to Argentina in order to avoid Nazi persecution.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is Robert Eisler's daughter. There is no information to indicate that the Account Owner has any surviving heirs other than the Claimant, her mother and her sister.

### The Issue of Who Received the Proceeds

Given the existence of Nazi confiscatory legislation in place at that time and the application of Presumptions (a), (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 father 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 accounts.

#### Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a demand deposit account was 2,140.00 Swiss Francs, and the average value of a custody account was 13,000.00 Swiss Francs. The present value of these amounts is calculated by multiplying them by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 181,680.00 Swiss Francs.

#### Division of the Award

The Claimant is representing her mother, Lily Eisler, and her sister, Haydee Isabel Krieger. According to the principles of distribution set forth in Article 23 of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. Consequently, the Claimant's mother is entitled to one-half of the Award amount and the Claimant and her sister are each entitled to one-quarter of the 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  
May 15, 2003