

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Hermann Elsner**

Claim Number: 209549/PY<sup>1</sup>

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the account of Hermann Elsner (the “Account Owner”) at the Basel branch of 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, Hermann Elsner, who was born in Poland. The Claimant stated that she was not aware if her great-uncle was ever married or had any children. The Claimant stated further that her great-uncle, who was Jewish, resided in Hamburg, Germany. According to the Claimant, the entire Elsner family was well-off and traveled often. The Claimant added that Hermann Elsner did not leave Germany during the Second World War, and remained there until he perished in the Holocaust, on a date that is unknown to the Claimant. The Claimant submitted various documents including a family tree and birth and death certificates from the Elsner family.

The Claimant indicated that she was born on 22 June 1922 in Frankfurt am Main, Germany and submitted her own birth certificate.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of [REDACTED], [REDACTED], [REDACTED], Albert Meyer, Max Elsner, Walter Schiller, [REDACTED] and Mathilde Meyer, which are registered under the Claim Numbers 205851, 208931, 209547, 209576, 209599, 212172, 212229 and 212152, respectively. The CRT will treat the claims to these accounts in separate decisions.

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

The bank record consists of a printout from the Bank's database. According to this record, the Account Owner was *Herr* (Mr.) Hermann Elsner, who resided in Hamburg at Mannsteinstrasse 50. The bank record indicates that the Account Owner held an account of unknown type.

The account was frozen in the 1945 Swiss Freeze of German assets and closed on an unknown date. The amount in the account as of 16 February 1945 was 1,768.00 Swiss Francs. The bank record does not show when the account at issue was unfrozen, closed, or to whom it was paid.

The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the bank 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 has plausibly identified the Account Owner. Her great-uncle's name and city of residence match the published name and city of residence of the Account Owner. The Account Owner died in the Holocaust and the bank records show that the account still existed after the War; consequently, the Account Owner did not receive the proceeds. The CRT notes that Hermann Elsner is a unique name, as it 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 also notes that there are no other claims 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 perished in the Holocaust.

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

The Claimant has plausibly demonstrated by submitting biographical information and a family tree that she is related to the Account Owner.

### The Issue of Who Received the Proceeds

Given the death of the Account Owner during the War, the freezing of his account in the 1945 Swiss Freeze of German assets, and the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), 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. 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 account of unknown type. The bank records indicate that the value of the account of unknown type as of 16 November 1945 was 1,768.00 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

#### **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

March 28, 2003