

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Richard Emrich

Claim Number: 218144/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Richard Emrich (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 grandfather, Richard Emrich, who was born in Pforzheim, Germany in 1878, and was married to [REDACTED]. The Claimant stated that her grandfather, who was Jewish, owned a jewelry manufacturing company founded by his father, [REDACTED], at Leopold Strasse 3, Pforzheim, and that the family lived at 22 Baumstrasse, Pforzheim. The Claimant stated that her grandfather left Germany initially to start a branch of his business in the United Kingdom, but by 1939 his German company had been seized by the Nazis and most of the family had fled Germany. The Claimant's grandfather's brother and his family were murdered in Auschwitz, and the Claimant's grandfather remained in the United Kingdom until his death in 1947. The Claimant stated that her grandfather had one child, [REDACTED] (the Claimant's father), who was born in Stuttgart in 1910. In a telephone conversation with the CRT, the Claimant stated that her grandfather, Richard Emrich, held an account at a Swiss bank that was never recovered. The Claimant stated that her mother had made many inquiries with Swiss banks over a long period of time in an attempt to locate his account, but was unsuccessful.

The Claimant submitted numerous documents including copies of her grandfather's death certificate, her parents' birth, death and marriage certificates, and her father's driver's license, issued in Pforzheim in 1928.

Information Available in the Bank Records

The bank records consist of excerpts from the transcript of an interrogation of a Bank employee, [REDACTED], conducted by the State Prosecutor of Basel on 2 December 1942. According to the transcript, the Account Owner was Richard Emrich of Pforzheim, Germany, who was among 85 account owners reported to the Nazi government by August Dörflinger. According to this document, the Account Owner held an account of an unknown type that had a balance of 208.50 Swiss Francs on the date of the interrogation. The auditors who carried out the investigation of this Bank to identify accounts of Victims of Nazi Persecution pursuant to instruction of the Independent Committee of Eminent Persons (“ICEP” or the “ICEP Investigation”) determined that the amount in the account had been paid to the Nazi authorities on an unknown date, but before 31 December 1945.

The CRT’s Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her grandfather's name and place of residence match the published name and place of residence of the Account Owner. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name and city of residence. In support of the identification of his grandfather as the Account Owner, the Claimant provided information that his grandfather was born in Pforzheim, Germany in 1878; owned a jewelry manufacturing company founded by his father, [REDACTED], at Leopold Strasse 3, Pforzheim and that the family lived at 22 Baumstrasse, Pforzheim. The Claimant submitted numerous documents including copies of her grandfather’s death certificate, her parents' birth, death and marriage certificates, and her father’s driver’s license, issued in Pforzheim in 1928. The CRT 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, he lived in Germany until 1934, and his company was seized by the Nazis. The Claimant further stated that the Account Owner’s family was murdered in Auschwitz.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents including her birth certificate, her grandfather's death certificate, and her parents' birth, death and marriage certificates, which all demonstrate that the Account Owner was her paternal grandfather. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate that the proceeds of the account were paid to Nazi authorities.

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 account of an unknown type. The bank records indicate that the value of the account, which was closed by 31 December 1945, was 208.50 Swiss Francs on 2 December 1942. The bank records also indicate that this account was reported to the Nazis in or before 1942 and, therefore, the account could have been looted by the Nazis at this point. 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 investigation carried out pursuant to the instructions of the ICEP, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs. The present value of this amount is calculated by multiplying it 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
May 15, 2003