

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Joan E. Weston

in re Account of Helene Ettlinger

Claim Number: 500481/IG

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of Joan E. Weston, née Ettlinger, (the “Claimant”) to the account of Helene Ettlinger (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 paternal great-grandmother, Helene Ettlinger, née Dreyfuss, who was born on 15 October 1861 in Muggensturm, Germany, and was married to Mayer Ettlinger. The Claimant stated that her great-grandmother lived in Rastatt, Germany and that she was a homemaker who helped with the family business, *Dreyfuss and Ettlinger*. The Claimant explained that her great-grandmother, who was Jewish, was forced to flee Germany in approximately 1938. The Claimant further explained that her great-grandmother hid in different locations throughout France, where she died on 6 November 1940 in St. Leonard, France.

In support of her claim, the Claimant submitted documents including the birth certificate of her paternal grandfather, Julius Ettlinger, which indicates that he was born in Rastatt to Helene and Mayer Ettlinger; the death certificate of the Claimant's great-grandfather, Mayer Ettlinger, which indicates that he lived in Rastatt and that he was married to Helene Ettlinger; the marriage certificate of the Claimant's paternal grandparents, Julius Ettlinger and Lisa Wertheimer, which indicates that Julius Ettlinger lived in Rastatt and was the son of Helene and Mayer Ettlinger; the birth certificate of the Claimant's father, Eric Ettlinger, which indicates that he was born in Rastatt to Julius and Lisa Ettlinger; and the death certificate of Eric Ettlinger, which identifies the names of his parents and the Claimant, Joan Weston, as his daughter. The Claimant indicated that she was born on 21 November 1959 in New York, the United States.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Helene Ettlinger who resided in Rastatt, Germany. According to the Bank's record, the Account Owner held a custody account, numbered 10988, which was opened on 29 April 1931 and was closed on 18 August 1933. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or her 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-grandmother's name and city and country of residence match the published name and city and country of residence of the Account Owner. In support of her claim, the Claimant submitted documents including the birth certificate of her paternal grandfather, Julius Ettlinger, which indicates that he was born in Rastatt to Helene and Mayer Ettlinger; the death certificate of the Claimant's great-grandfather, Mayer Ettlinger, which indicates that he lived in Rastatt and that he was married to Helene Ettlinger; the marriage certificate of the Claimant's paternal grandparents, Julius Ettlinger and Lisa Wertheimer, which indicates that Julius Ettlinger lived in Rastatt and was the son of Helene and Mayer Ettlinger; and the birth certificate of the Claimant's father, Eric Ettlinger, which indicates that he was born in Rastatt to Julius and Lisa Ettlinger. These documents provide independent verification that the person who is claimed to be the Account Owner and the Claimant's family members resided in the same town recorded in the Bank's records as the residence of the Account Owner. The CRT further notes that the other claim to this account was disconfirmed because that claimant provided a different city of residence than the city of residence of the Account Owner. 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 Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner, who was Jewish, was forced to flee Germany in approximately 1938, and that she hid in different locations throughout France, where she died in 1940 at the age of seventy-nine.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents and specific information demonstrating that the Account Owner was her great-grandmother. In support of her claim, the Claimant submitted documents including the birth certificate of her paternal grandfather, Julius Ettlinger, which indicates

that he was born in Rastatt to Helene and Mayer Ettlinger; the death certificate of the Claimant's great-grandfather, Mayer Ettlinger, which indicates that he lived in Rastatt and that he was married to Helene Ettlinger; the marriage certificate of the Claimant's paternal grandparents, Julius Ettlinger and Lisa Wertheimer, which indicates that Julius Ettlinger lived in Rastatt and was the son of Helene and Mayer Ettlinger; the birth certificate of the Claimant's father, Eric Ettlinger, which indicates that he was born in Rastatt to Julius and Lisa Ettlinger; and the death certificate of Eric Ettlinger, which identifies the names of his parents and the Claimant, Joan Weston, as his daughter.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign 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; that the Account Owner remained in Germany until approximately 1938, and would not have been able to repatriate her account to Germany without its confiscation; that the Account Owner lived in hiding in France until she died in 1940 and was unlikely to have had access to her account during this period; that there is no record of the payment of the Account Owner's account to her; that the Account Owner and her heirs would not have been able to obtain information about her 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 inquiries by account owners because of the banks' concern regarding double liability; and given 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) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or her 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-grandmother, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held 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 current value of the account being awarded. Based on the investigation carried out pursuant to the

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

instructions of the auditors who carried out the investigation of this Bank (“ICEP” or the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 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 162,500.00 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
8 April 2004