

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Franziska Falk

Claim Number: 787290/SI^{1, 2}

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to an account of David Bischofswerder.³ This Award is to the unpublished account of Franziska Falk (the “Account Owner”) at the Kreuzlingen branch of the [REDACTED] (the “Bank”).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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his great-aunt, Franziska Bischofswerder, neé Falk, who was married to [REDACTED]. The Claimant indicated that his great-aunt and her husband, who was a businessman, resided in Vienna, Austria from 1934 until 1937. The Claimant indicated that he was unaware of the subsequent fate of his great-aunt, who was Jewish. The Claimant indicated that he was born on 11 August 1962.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered ENG-0668-106, to the Court in the United States. Although this IQ was not a Claim Form, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQ was forwarded to the CRT and has been assigned claim number 787290.

² The Claimant submitted two additional Initial Questionnaires, which were also forwarded to the CRT, and which have been assigned Claim Numbers 705449 and 705450. The CRT will treat these claims in separate determinations.

³ The CRT will treat the claim to this account in a separate determination.

Information Available in the Bank's Records

The Bank's records consist of excerpts from the Bank's ledger and a printout from the Bank's database. According to these records, the Account Owner was Franziska Falk. The Bank's records contain no information regarding the Account Owner's domicile. The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, numbered 1548. The Bank's records indicate that the amount in the account as of 1970 was 12.00 Swiss Francs ("SF"), and that the account was transferred to a suspense account for dormant assets on 13 March 1986. The amount in the account on the date of its transfer was SF 16.45. The account remains suspended.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 31361. These documents indicate that [REDACTED] was married to Franziska Bischofswerder, neé Falk, that they resided in Vienna, and that they resided there as late as 28 July 1938, the day [REDACTED] signed his Census declaration. These documents further indicate that [REDACTED] owned a business named [REDACTED]. These records make no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-aunt's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. 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 information before the CRT plausibly demonstrates that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish. The CRT notes that the Account Owner's husband's 1938 Census declaration demonstrates that she and her husband resided in Vienna after the incorporation of Austria into the Reich in March 1938 (the "Anschluss").

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's great-aunt. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and information in the 1938 Census records filed by her husband. The CRT further notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his IQ. The CRT notes that the Claimant, in correspondence with the CRT, has indicated that the Account Owner may have other surviving heirs, but the CRT has not received a claim from them.

The Issue of Who Received the Proceeds

The Bank's records indicate that, on 13 March 1986, the account was transferred to a suspense account, where it remains.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his great-aunt, and that relationship justifies an Award. Third, the CRT has determined 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 an account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 1970 was SF 12.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 390.00, which reflects standardized bank fees charged to the account between 1945 and 1970. Consequently, the adjusted balance of the account at issue is SF 402.00. According to Article 29 of the Rules, if the amount in a account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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 49,375.00.

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 his claim to determine whether there are additional Swiss bank accounts to

which he 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
12 May 2006