

# 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 Arthur Feldmann**

Claim Numbers: 224257/LV; 223609/LV

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the published account of Arthur Feldmann (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 his father, Arthur Feldmann (Feldman), who was born on 2 October 1917 in Austria, and was married to [REDACTED]. The Claimant stated that his parents had two children, the Claimant and [REDACTED], née [REDACTED], who was born on 31 January 1957 in Haifa, Israel. The Claimant further stated that his father was an auto parts distributor and that his father, who was Jewish, fled Austria to escape Nazi persecution. The Claimant explained that his grandfather was subjected to medical experimentation at a concentration camp and that he was murdered there. The Claimant stated that his family fled to Palestine and that they subsequently moved to the United States. The Claimant submitted his own birth certificate, identifying his parents as Arthur and [REDACTED] Feldmann; Arthur Feldmann's death certificate, indicating that he was born in Austria and that he passed away in New Milford, New Jersey, the United States, on 15 October 1998; and the will of Arthur Feldmann, acknowledging [REDACTED] as his son and naming him a beneficiary.

The Claimant indicated that he was born on 14 July 1947 in Haifa.

### **Information Available in the Bank's Records**

The Bank's records consist of excerpts from the Bank's registry of custody accounts, lists of accounts, and printouts from the Bank's database. According to these records, the Account

Owner was Arthur Feldmann, who resided in Vienna, Austria. The Bank's records indicate that the Account Owner held a custody account, numbered 17911. The Bank's records also indicate that the account was opened on 21 November 1933 and that it was closed on 31 March 1939. The Bank's records do not indicate the value of this account. There is no evidence in the Bank's 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. The Claimant's father's name and country of residence match the published name and country of residence of the Account Owner.

In support of his claim, the Claimant submitted documents, including his own birth certificate, identifying his parents as Arthur and [REDACTED] Feldmann; and Arthur Feldmann's death certificate, indicating that he was born in Austria and that he passed away in New Milford, New Jersey, the United States, on 15 October 1998, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same country recorded in the Bank's records as the name and country of residence of the Account Owner.

The CRT notes that the other claim to this account was disconfirmed because that claimant provided a different first name and country of residence than the first name and country 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 was Jewish and that his father fled Austria to escape Nazi persecution.

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

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's father. These documents include the Claimant's own birth certificate, identifying his parents as Arthur and [REDACTED] Feldmann; and the will of Arthur Feldmann, acknowledging [REDACTED] as his son and naming him a beneficiary.

### The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed on 31 March 1939. Given that the Account Owner fled from Austria to escape Nazi persecution; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would

not have been able to obtain information about his 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 (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 his father, and that relationship justifies an Award. Third, 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 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 instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). 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 SF 162,500.00.

#### Division of the Award

According to Article 23(2)(a) of the Rules, if a claimant has submitted the Account Owner's will or other inheritance documents pertaining to the Account Owner, the award will provide for distribution among any beneficiaries named in the will or other inheritance documents who have submitted a claim. In this case, the Claimant's sister, [REDACTED], who was named in the Account Owner's will as a beneficiary, did not file a claim. Accordingly, Claimant is entitled to the total 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 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  
18 November 2004