

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Mathilde Fischer

Claim Number: 210887/AX

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (formerly [REDACTED]) [REDACTED] (the “Claimant”) to the account of Walter Alexander.¹ This Award is to the published account of Mathilde Fischer (the “Account Owner”), over which Walter Alexander (the “Power of Attorney Holder”) held power of attorney, 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 his maternal grandmother Mathilde Grill, née Rosenbaum, who was born on 14 October 1908 in Bucharest, Romania. The Claimant indicated that his grandmother had one daughter, his mother, [REDACTED], née [REDACTED], who was married to the Claimant’s father, Walter Alexander, who was born on 13 February 1898 in Hannover, Germany. The Claimant indicated that his father, who was Jewish, was a clothing manufacturer in Berlin, Germany, where his family resided on Flensbürgerstrasse. The Claimant indicated that his family fled Nazi Germany and arrived in New York, New York, the United States in 1939. According to information provided by the Claimant, his mother died on 15 December 1957 in Philadelphia, Pennsylvania, the United States, and his father died on 2 February 1969 in New York. In a telephone conversation with the CRT on 3 June 2003, the Claimant stated that his maternal grandmother resided in Poland before the Second World War, that she was Jewish, and that she perished in the Holocaust. The Claimant, who was still a young child when his family fled Germany, did not know further details of his grandmother’s life.

¹ The CRT will treat the claim to this account in a separate determination.

In support of his claim the Claimant submitted documents, including: (1) a copy of his mother's death certificate, indicating that her husband was Walter Alexander, and that her mother was Mathilda Rosenbaum; (2) a copy of his father's United States Certificate of Naturalization, containing his father's signature, and indicating that he was from Germany; (3) a copy of his father's death certificate and will, containing his father's signature and indicating that Walter Alexander had a son named [REDACTED]; and (4) a copy of a certificate of inheritance, issued in Berlin on 2 June 1958, indicating that [REDACTED]'s heirs were her husband, Walter Alexander, and her son, [REDACTED]. The Claimant indicated that he was born on 8 March 1931 in Berlin.

Information Available in the Bank's Records

The Bank's records consist of a power of attorney form, an internal memorandum, and an instruction sheet regarding correspondence. According to these records, the Account Owner was *Frau* (Mrs.) Mathilda Fischer, née Rosenbaum, who resided in Krakow, Poland, and the Power of Attorney Holder was *Herr* (Mr.) Walter Alexander, who resided at Hohenstaufenstrasse 37 in Berlin, Germany. The Bank's records also indicate that the Account Owner was married to [REDACTED]. The Bank's records indicate that the Account Owner held a custody account, numbered 37507, and a passbook account, numbered 9485. The Bank's documents indicate that power of attorney was granted on 14 January 1932, and that it was revoked on 5 April 1934. These records include signature samples for the Account Owner, the Power of Attorney Holder, and the Account Owner's husband, [REDACTED].

The Bank's records do not show if or when the accounts at issue were closed, nor do these records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. There is no evidence in the Bank's records that the Account Owner or her heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His grandmother's first name and maiden name match the published first name and maiden name of the Account Owner.² The Claimant indicated that his grandmother was from Poland, which matches published information about the Account Owner's country of residence. The Claimant's father's name matches the

² The CRT notes that the Claimant did not identify his grandmother's last name as "Fischer," but further notes that the Claimant was a young child during the Second World War, and therefore, may not be aware if his grandmother was married more than once. Furthermore, the Claimant's identification of unpublished information, and the match between his father's signature and the signature of the Power of Attorney Holder provide sufficient evidence that the Claimant has plausibly identified the Account Owner.

published name of the Power of Attorney Holder. The Claimant's father's city and country of residence match unpublished information about the Power of Attorney Holder. Furthermore, the Claimant's father's signature matches the signature sample of Walter Alexander contained in the Bank's records. In support of his claim the Claimant submitted a copy of his father's certificate of naturalization, containing his signature and indicating that he was from Germany, and a copy of his mother's death certificate, indicating that her mother was Mathilda Rosenbaum, and that her husband was Walter Alexander, providing independent verification that the person who is claimed to be the Account Owner had the same first name and maiden name recorded in the Bank's records as the name of the Account Owner, and the person who is claimed to be the Power of Attorney Holder had the same name recorded in the Bank's records as the name of the Power of Attorney Holder, and that he resided in Germany. The CRT notes that there are no other claims to these accounts.

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 she died in the Holocaust.

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 grandmother. These documents include his mother's death certificate, indicating that her mother was Mathilda Rosenbaum, and that her husband was Walter Alexander; and the will of Walter Alexander, indicating that the [REDACTED] was his son. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner perished in the Holocaust; that there is no record of the payment of the Account Owner's accounts to her, nor any record of a date of closure of the accounts; that the Account Owner and her heirs would not have been able to obtain information about her accounts 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, the Power of Attorney Holder, or their 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 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 accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one passbook 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 ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs (“SF”), and the average value of a passbook account was SF 830.00. Consequently, the total 1945 average value of the accounts at issue is SF 13,830.00. 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 172,875.00.

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
3 March 2006