

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Dr. Otto Frankl, Friedrich Beck and Josephine Beck

Claim Number: 213006/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Dr. Otto Frankl. This Award is to the account of Dr. Otto Frankl, Friedrich Beck, and Josephine Beck (the “Account Owners”) at the Zurich 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 one of the Account Owners as his father, Otto Frankl, who was born on 6 February 1910 in Pohorelice, Czechoslovakia. The Claimant stated that between 1929 and 1932, his father worked in a bank, and that between 1932 and 1939, he worked as a lawyer in Brno, Czechoslovakia. A copy of the Claimant’s father’s Czechoslovakian passport, issued on 29 April 1936, submitted by the Claimant, indicates that the Claimant’s father held the title “*Dr.*” and that he was born in Czechoslovakia. The passport also contains Nazi exit stamps. The Claimant stated that his father, who was Jewish, fled in January 1939 from Czechoslovakia to the United Kingdom, and that he married the Claimant’s mother, [REDACTED], née [REDACTED], in 1944 in Harrogate, England. The Claimant stated that his father died in Bradford, England, on 1 February 1974.

In support of his claim, the Claimant submitted his father’s Czechoslovakian passport, his certificate of naturalization, his will, and marriage and death certificates.

Information Available in the Bank Records

The bank records consist of a customer card and a printout from the Bank’s numbered account database. According to these records, the Account Owners were Dr. Otto Frankl, Friedrich

Beck, and Josephine Beck from Czechoslovakia. The bank records indicate that the Account Owners held an account of unknown type, numbered 3155, and that the account was closed in November 1949. The bank records do not show to whom the account was paid, nor do these records indicate the value of this account. The bank records also show that the Bank withheld all correspondence to the Account Owners. There is no evidence in the bank records that the Account Owners or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owner Dr. Otto Frankl. His father's name and country of residence match the published name and country of residence of Account Owner Dr. Otto Frankl. The Claimant submitted documents showing that his father held the title "Dr.," which matches unpublished information about Account Owner Dr. Otto Frankl contained in the bank documents. The CRT notes that the Claimant was born in the United Kingdom after the end of the Second World War, and that he accordingly could not have personal knowledge of his father's pre-War partners and/or acquaintances in Czechoslovakia. Therefore, even though the Claimant did not provide any information about the other two Account Owners, it is still plausible that the Claimant's father was Account Owner Dr. Otto Frankl. In support of his claim, the Claimant submitted his father's Czechoslovakian passport, his certificate of naturalization, his will, and marriage and death certificates. The CRT notes that the two other claims to this account were disconfirmed because the claimed account owners were from different countries.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Dr. Otto Frankl was a Victim of Nazi Persecution. The Claimant stated that Account Owner Dr. Otto Frankl was Jewish, and that he fled from Czechoslovakia to the United Kingdom in 1939.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that he is related to Account Owner Dr. Otto Frankl by submitting documents, including his father's will, demonstrating that Account Owner Dr. Otto Frankl was his father. There is no information to indicate that Account Owner Dr. Otto Frankl has other surviving heirs.

The Issue of Who Received the Proceeds

Given the fact that Account Owner Dr. Otto Frankl in this case was forced to flee Czechoslovakia in 1939, and given the application of Presumptions (h) and (j) contained 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 Account Owner Dr. Otto Frankl was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed account.

Amount of the Award

The CRT notes that the account at issue is a joint account. In accordance with Article 25 of the Rules, in cases where the joint account is claimed by relatives of one of the joint account owners, the CRT shall presume that the account was owned as a whole in equal shares by the account owner whose shares of the account have been claimed. The CRT has not received any claims on behalf of the other Account Owners. Therefore the CRT determines that the Claimant is entitled to the whole 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 present value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of an unknown account 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 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
April 24, 2003