

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of H. Frantz

Claim Number: 720597/AZ¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the published account of H. Frantz (the “Account Owner”) at the Lausanne 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 identifying the Account Owner as her late husband, Herschel Frantz, who was born on 5 July 1904. The Claimant indicated that her husband, who was Jewish, resided in Vienna, Austria prior to the Second World War. According to the Claimant, following the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”), her husband fled to Switzerland, where he was arrested and detained for three days. The Claimant indicated that her husband then escaped and fled, but that he was later captured by the Nazis and deported to a concentration camp. The Claimant further indicated that her husband escaped from the camp after being imprisoned for three years and hid in the woods until the end of the War. Finally, the Claimant indicated that her husband died on 25 February 1976 in the Ukraine.

The Claimant indicated that she was born on 12 June 1912.

¹ Claimant [REDACTED] (the “Claimant”) did not submit a Claim Form to the CRT. However, in 1999, she submitted an Initial Questionnaire (“IQ”), numbered HEB-0252-030, 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 720597.

Information Available in the Bank's Records

The Bank's records consist of a ledger of account suspensions and a list of dormant accounts. According to these records, the Account Owner was H. Frantz. The Bank's records do not indicate the Account Owner's domicile.

The Bank's records indicate that the Account Owner held an account, the type of which is not indicated, which was suspended by the Bank on 13 February 1950, when it contained a balance of 24.95 Swiss Francs ("SF"). The Bank's records further indicate that the account was inactive for at least ten years prior to being suspended in 1950, and that it was closed to fees and charges in 1952.

The CRT's Analysis

Identification of the Account Owner

The Claimant's husband's name matches the published first initial and surname of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his first initial and surname.

The CRT notes that the name H. Frantz appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the Claimant filed her Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner, prior to the publication of the ICEP List. This indicates that the Claimant has based her claim not on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her independently of the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 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, that he resided in Austria after the *Anschluss*, and that he was imprisoned in a concentration camp for three years.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's late husband. The CRT further notes that the Claimant filed her Initial Questionnaire with the Court in 1999, identifying her relationship to the Account Owner, prior to the publication in February 2001 of the ICEP List. Finally, the CRT 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 she has asserted in her Initial Questionnaire. There is no information to indicate that the Account Owner has other surviving heirs

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed to fees and charges in 1952.

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 her husband, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of the account as of 13 February 1950 was SF 24.95. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 90.00, which reflects standardized bank fees charged to the account between 1945 and 1950. Consequently, the adjusted balance of the account at issue is SF 114.95. According to Article 29 of the Rules, if the amount in an 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 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
31 August 2007