

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Rudolf Frey

Claim Number: 224078/MBC

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Rudolf Frey (the “Account Owner”) at the Bern 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 grandfather, Rudolf Frey, who was born in Olszanica, Poland, and was married in Poland to [REDACTED], with whom he had four children: [REDACTED], [REDACTED], [REDACTED], and [REDACTED], the Claimant’s mother. The Claimant stated that his grandfather, who was Jewish, resided in Olszanica and owned a lumber business and a sawmill. The Claimant further stated that his grandfather traveled on business to Geneva and Zurich, Switzerland, and probably opened a Swiss bank account in the mid-1930s. According to the information provided by the Claimant, his grandfather was deported and perished during the Holocaust. The Claimant indicated that his mother was also killed during the Holocaust. In a letter written to the CRT dated 10 April 2002, the Claimant stated that he was certain that his grandfather’s last name was Frey, but that he had heard the name “Sommer” from a relative in connection with his grandfather. The Claimant stated that he was unable to provide further information about the context of this name. The Claimant stated that he was born on 6 September 1929 in Lesko, Poland.

Information Available in the Bank’s Records

The Bank’s records consist of a bank ledger and a bank spreadsheet. According to these records, the Account Owner was Rudolf Frey, who was also known as Rudolf Sommer. The Bank’s records indicate that the Account Owner held a savings/passbook account numbered 163.536.00. The Bank’s records further indicate that the account was opened on 19 April 1937 and was

transferred to a suspense account, which is a grouping of open and dormant accounts, on 12 September 1980. The amount in the account on the date of its transfer was 302.60 Swiss Francs. The account remains open and dormant today.

The CRT's Analysis

Identification of the Account Owner

The Claimant's grandfather's name matches the published name of the Account Owner. The Claimant identified the approximate time during which his grandfather opened a Swiss bank account as the mid-1930s, which is consistent with information about the account contained in the Bank's records. The Bank's records do not contain any specific information about the Account Owner other than his name. The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his mother, [REDACTED], née [REDACTED], prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that one of his maternal relatives owned a Swiss bank account prior to the publication of the ICEP List. The CRT further notes that there are no other claims to this account.

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 he was deported and perished during 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 documents demonstrating that the Account Owner is his grandfather. 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 the account was transferred to a suspense account and remains open and dormant.

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, as amended (the "Rules"). Second, the Claimant has plausibly

demonstrated that the Account Owner was his grandfather, and that relationship justifies an Award. Finally, 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 savings/passbook account. The Bank's records indicate that the value of the savings/passbook account as of 12 September 1980 was 302.60 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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, in accordance with Article 31(1) of the Rules, to produce a total award amount of 9,960.00 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
June 23, 2003