

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Harry Froehlich

in re Account of Hans Wilhelm Fröhlich and Ernst Fröhlich

Claim Number: 207053/HS

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Harry (Hans) Froehlich (the “Claimant”) to the account of Hans Wilhelm Fröhlich. This award is to the published account of Hans Wilhelm Fröhlich (“Account Owner Hans Fröhlich”) and Ernst Fröhlich (“Account Owner Ernst Fröhlich”) (together the “Account Owners”) at the Kreuzlingen 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 Account Owner Hans Fröhlich as himself. The Claimant stated that he was born on 15 December 1920 in Mannheim, Germany, as Hans Wilhelm Fröhlich. The Claimant stated further that he is Jewish and that he lived with his parents in Mannheim. The Claimant explained that because of anti-Semitism at school in Mannheim, he moved in 1934 to live with his grandmother in Konstanz, Germany, at the Swiss-German border, and that he attended a secondary school in Kreuzlingen, Switzerland, from 1934 to 1937. According to the Claimant, his father, [REDACTED] and his maternal grandfather, [REDACTED], owned a corset factory in Kreuzlingen. The Claimant stated that he moved to Winterthur, Switzerland in 1937 in order to avoid Nazi persecution, and that he attended a technical school there in 1937 and 1938. According to the Claimant, he emigrated to the United States in December 1938.

The Claimant indicated that he had a brother, Ernst, who was born on 4 July 1928 in Mannheim. According to the Claimant, his brother also lived in Constance in the 1930s and attended a school in Kreuzlingen. The Claimant stated that his brother and his parents emigrated to the United States in December 1941. The Claimant stated that Ernst Fröhlich died on 5 March 1981 in Los Angeles, California. The Claimant lives in Pacific Palisades, California. In support of his claim, the Claimant submitted a German citizenship certificate issued in 1937 confirming that the

Claimant was born as Hans Wilhelm Fröhlich in Mannheim, and his school reports from the schools in Kreuzlingen and Winterthur.

Information Available in the Bank's Record

The Bank's record consists of a bank customer card. According to this record, the Account Owners were Hans Wilhelm Fröhlich and Ernst Fröhlich, who resided in Mannheim, Germany. The Bank's record indicates that the Account Owners held a savings account, numbered 9333, which was closed on 21 December 1936. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owners closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners. His own and his brother's names match the published names of the Account Owners. The Claimant stated that his family lived in Mannheim, Germany, and that he and his brother attended schools in Kreuzlingen, Switzerland. Furthermore, the Claimant stated that his grandfather and his father owned a business in Kreuzlingen. This information matches the unpublished information about the city of residence of the Account Owners and is consistent with the fact that the account was opened at the Kreuzlingen branch of the Bank. Moreover, the CRT notes that although the Account Owners' names were published separately, the Claimant identified Account Owner Ernst Fröhlich as his brother, which is consistent with the fact that the names of both Account Owners appear on the Bank's customer card for this account. The CRT notes that there are no other claims to this account.

Status of the Account Owners as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that he is Jewish and that he and his brother had to attend schools in Switzerland because of anti-Semitism in German schools, and that they eventually fled to the United States.

The Claimant's Relationship to the Account Owners

As explained above, the Claimant plausibly identified himself and his brother as the Account Owners, by submitting specific biographical information about his brother and himself and documents demonstrating that he is Account Owner Hans Wilhelm Fröhlich. These documents include a German citizenship certificate issued in 1937 confirming that the Claimant was born as Hans Wilhelm Fröhlich in Mannheim and his school reports from the schools in Kreuzlingen and Winterthur that demonstrate that he is Account Owner Hans Wilhelm Fröhlich.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; given that Account Owner Hans Fröhlich remained in Germany until 1937 and Account Owner Ernst Fröhlich, as well as the Account Owners' parents, did not emigrate to the United States until 1941, and would not have been able to repatriate their account to Germany without its confiscation; and given the application of Presumptions (a), (g), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) and Appendix C,¹ the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owners or Account Owner Ernst Fröhlich's 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 he and his brother were the Account Owners. Finally, the CRT has determined that it is plausible that neither the Account Owners nor the heirs of Account Owner Ernst Fröhlich received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owners held one savings 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 savings account was 830.00 Swiss Francs. 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 10,375.00 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).

¹ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
28 May 2004