

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Marie Frölich

Claim Number: 708687/CU¹

Award Amount: 11,595.25 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née Frölich, (the “Claimant”) to the unpublished account of Marie Frölich (the “Account Owner”) at the [REDACTED] (the “Bank”).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 (“IQ”) identifying herself as the Account Owner, [REDACTED], née Frölich. The Claimant indicated that she was Sinti and resided from 1934 to 1945 at Kugelfangasse in Bruckhausen-Vienna XXI, Austria.

The Claimant indicated that she was born on 20 December 1933.

Information Available in the Bank’s Record

The Bank’s record consists of an excerpt from a list of account owners that was prepared by 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”). According to this record, the Account Owner was Marie Frölich.

¹ [REDACTED] (“the Claimant”) did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered GER-0010172, 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 708687.

This record does not indicate the Account Owner's domicile. The auditor's report indicates that the Account Owner held a savings/passbook account, numbered 713. The auditors indicated that the account had a balance of 2.62 Swiss Francs ("SF") as of 1999. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's name matches the unpublished name of the Account Owner. The CRT notes that the auditor's report does not contain any specific information about the Account Owner other than her name. The CRT notes that the Claimant would have been a child at the time the account was opened, but considers it plausible that the account was opened in her name by an adult family member. The CRT notes that the other claims to this account were disconfirmed because only this Claimant's last name was spelled exactly as that of the Account Owner. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified herself as 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 she was Sinti, and that she resided in Bruckhausen-Vienna during 1934 until 1945. The Claimant further indicated that she received compensation as a Sinti in Germany in 1999.

The Claimant's Relationship to the Account Owner

The CRT notes that the Claimant filed an IQ with the Court in 1999, identifying herself as [REDACTED], née Frölich, and asserting her entitlement to a Swiss bank account, prior to the publication in February 2001 of the ICEP List. This supports the credibility of the information provided by the Claimant.

The Issue of Who Received the Proceeds

The auditor's report indicates that the account 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. Second, the Claimant has plausibly demonstrated that she was the Account Owner, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that the Account Owner did not receive the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The auditor's report indicates that the value of the savings/passbook account was SF 2.62 in 1999. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 925.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1999. Consequently, the adjusted balance of the account at issue is SF 927.62. The current value of the amount of the award is determined by multiplying the adjusted balance by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 11,595.25.

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
19 December 2007