

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Elisabeth Gafner

Claim Number: 718755/SJ¹

Award Amount: 102,537.50 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the unpublished account of Elisabeth Gafner (the “Account Owner”) at the Bern branch of the [REDACTED] (the “Bank”).²

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 the Account Owner as his paternal aunt, Elisabeth Gafner. The Claimant indicated that his aunt was Jewish, adding that he knew her name from having heard it mentioned often around his house when he was a child. The Claimant also indicated that he has no documents to prove his familial relationship to Elisabeth Gafner, indicating further that he does not even possess a picture of his parents, as all records and photos were lost during the Second World War. The Claimant stated that he submitted his IQ after having seen his aunt’s name on the Swiss Banking Association List of Dormant Assets of Swiss Bank Clients, which was published in 1997. Finally, the Claimant indicated that all of his relatives, including Elisabeth Gafner, died or disappeared during the Second World War.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered HEB 0206 044, 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 718755.

² The CRT notes that the name Elisabeth Gafner was not published on the February 2001 list of accounts identified by the Independent Committee of Eminent Persons (“ICEP”) as probably or possibly those belonging to Victims of Nazi Persecution (the “ICEP List”), but that it was included on the Swiss Banking Association List of Dormant Assets of Swiss Bank Clients, which was published in 1997.

The Claimant indicated that he was born on 20 November 1931.

Information Available in the Bank's Records

The Bank's records consist of lists, dated 6 June 1991, of accounts that had had no capital movement for more than ten years, an excerpt from the Bank's ledger, and printouts from the Bank's database. According to these records, the Account Owner was Elisabeth Gafner. The Bank's records do not contain information about the Account Owner's domicile. The Bank's records indicate that the Account Owner held a savings account that was opened on 30 April 1930 and was assigned account number 140451.

The Bank's records indicate that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 31 December 1990. The amount in the account on the date of its transfer was 7,458.00 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal aunt's name matches the name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. The CRT further notes that there are no other claims to this account. Taking all 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, and that she, along with the rest of the Claimant's family, was either killed or went missing during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information demonstrating that the Account Owner was the Claimant's paternal aunt. The CRT notes that the Claimant's surname matches the surname of the Account Owner. 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 remains in the Bank's suspense account.

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 paternal aunt, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her 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 account as of 31 December 1990 was SF 7,458.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 745.00, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1990. Consequently, the adjusted balance of the account at issue is SF 8,203.00. 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 102,537.50.

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
6 May 2006