

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Roger Marcel Solomon Weil

in re Account of Ernest Gans

Claim Number: 211032/WI

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Roger Marcel Solomon Weil (the “Claimant”) to the account of Eric Weil.¹ This Award is to the unpublished account of Ernest Gans (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as his maternal uncle, Ernst Gans. In a telephone conversation with the CRT on 20 July 2007, the Claimant indicated that his uncle was born in 1900 in Saarbrücken, Germany, and was married to Marie Gans in approximately 1930 in Metz, France. The Claimant stated that his uncle, who was Jewish, resided in Metz, where he was a successful businessman and company owner in the steel industry. The Claimant indicated that some members of his uncle’s family fled to Portugal during the Second World War due to Nazi persecution but did not indicate what happened to his uncle during this period except to note that he survived the Second World War and died in 1982.

In support of his claim, the Claimant submitted copies of documents, including his parents’ marriage certificate, indicating that Erich Weil married Johanna Margot Gans on 1 August 1933 in Saarbrücken, Germany, and his own marriage certificate, indicating that Roger Marcel Salomon Weil’s parents were Erich Weil and Margot Gans.

The Claimant indicated that he was born on 23 September 1937 in Paris, France.

¹ In a separate decision, the CRT treated the Claimant’s claim to the account of Eric Weil. See *In re Accounts of Eric Weil and Ernest Gans* (approved on 10 September 2004).

Information Available in the Bank's Record

The Bank's record consists of a list of suspended accounts. According to this record, the Account Owner was *M. (Mr.) Ernest Gans*. The Bank's record does not indicate the Account Owner's domicile. The Bank's record indicates that the Account Owner held a demand deposit account which was suspended by the Bank on 13 January 1953. The amount in the account on the date of its suspension was 64.30 Swiss Francs ("SF").

The CRT's Analysis

Identification of the Account Owner

The Claimant's maternal uncle's name matches the unpublished name of the Account Owner.² The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

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, and that he resided in Nazi-occupied France.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's maternal uncle. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's record. The CRT further notes that the Claimant submitted copies of his own and his parents' marriage certificates, indicating that his mother's maiden name was Gans, which provide independent verification that the Claimant's relatives bore the same family name as the Account Owner. 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 he has asserted in his Claim Form.

The CRT notes that the Claimant indicated that the Account Owner has other surviving relatives, but that because they are not represented in the Claimant's claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

² The CRT notes that Ernst and Ernest are variations of the same name.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was suspended by the Bank on 13 January 1953, and that it remains suspended today.

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 his maternal uncle, 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 demand deposit account. The Bank's record indicates that the value of the demand deposit account as of 13 January 1953 was SF 64.30. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 135.00, which reflects standardized bank fees charged to the account between 1945 and 1953. Consequently, the adjusted balance of the account at issue is SF 199.30. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

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 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
12 October 2007