

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

## **in re Account of Wilhelm Geiger**

Claim Numbers: 213584/AC; 213585/AC<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (formerly [REDACTED]) (the “Claimant”) to the published accounts of Wilhelm Geiger and Willy Geiger. This Award is to the published account of Wilhelm Geiger (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).<sup>2</sup>

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 paternal uncle, Wilhelm (Willy) Geiger, who was born on 10 March 1875 in Frankfurt, Germany. The Claimant indicated that his uncle, who was Jewish, was the son of [REDACTED] and [REDACTED], née [REDACTED], who were also the parents of the Claimant’s father, [REDACTED]. According to information provided by the Claimant, his uncle was a businessman who resided in Berlin, Germany, for most of his life, and the Claimant’s family was told that his uncle perished in a concentration camp. The Claimant stated that he is the only surviving member of the family. The Claimant submitted a copy of his own birth certificate, indicating that he was formerly known as [REDACTED], that he was born on 4 August 1926 in Frankfurt am Main, Germany, and that his parents were [REDACTED] and [REDACTED], née [REDACTED], who resided in Frankfurt am Main; and a copy of his own United States naturalization certificate, which indicates that [REDACTED] was naturalized on 29 August 1945, and that he was formerly a German citizen.

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<sup>1</sup> The Claimant submitted additional claims to the accounts of [REDACTED] and [REDACTED], which are registered under the Claim Numbers 213586 and 213587, respectively. The CRT will treat the claims to these accounts separately

<sup>2</sup> The CRT will treat the claim to the account of Willy Geiger in a separate decision.

As indicated above, the Claimant was born on 4 August 1926 in Frankfurt am Main, Germany.

The Claimant previously submitted an Initial Questionnaire (“IQ”) with the Court in 1999, and a claim to the Holocaust Claims Processing Office (“HCPO”) in 1998,<sup>3</sup> asserting his entitlement to a Swiss bank account owned by [REDACTED].<sup>4</sup>

### **Information Available in the Bank’s Records**

The Bank’s records consist of printouts from the Bank’s database. According to these records, the Account Owner was Wilhelm Geiger. The Bank's records do not contain information about the Account Owner's domicile. The Bank’s records indicate that the Account Owner held one account, the type of which is not indicated.

The Bank’s records indicate that the account was transferred to a suspense account for dormant assets on 20 September 1940, and that the amount in the account on the date of its transfer was 449.00 Swiss Francs (“SF”). The Bank’s records indicate that the account remains in the Bank’s suspense account.

### **The CRT’s Analysis**

#### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), claims to the same or related accounts may be joined in one proceeding at the CRT’s discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimant in one proceeding.

#### Identification of the Account Owner

The Claimant’s uncle’s name matches the published 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 his name. The CRT also notes that the name Wilhelm Geiger appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of victims of Nazi persecution (the “ICEP List”).

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<sup>3</sup> The Claimant submitted a claim, numbered B-00755, on 17 February 1998, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601227.

<sup>4</sup> The CRT did not locate an account belonging to the Claimant’s relative, [REDACTED], in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules Governing the Claims Resolution Process, as amended (the “Rules”). The Claimant should be aware that the CRT will carry out further research on his claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

Furthermore, the CRT notes that the Claimant filed an IQ and an HCPO claim form in 1998, asserting his entitlement to a Swiss bank account owned by his father, who was his uncle's brother, [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 indicates that the Claimant had reason to believe that one of his relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

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 was believed to have been murdered by the Nazis in a concentration camp 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 uncle. The CRT notes that the Claimant submitted a copy of his own birth certificate, indicating that he was formerly known as [REDACTED], and that his parents were [REDACTED] and [REDACTED], née [REDACTED], which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner, which supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in his Claim Form. 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. Second, the Claimant has plausibly demonstrated that the Account Owner was his 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 account of unknown type. The Bank's records indicate that the value of the account of unknown type as of 20 September 1940 was SF 449.00.

According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

### **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  
18 November 2004