

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to the Estate of Claimant [REDACTED 1]<sup>1</sup>  
represented by Stephen M. Harnik

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]

## **in re Accounts of Clara Geiringer and Ernst Geiringer**

Claim Numbers: 500965/AK, 500998/AK, 500999/AK, 501576/AK

Award Amount: 2,931,000.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], née [REDACTED], (“Claimant [REDACTED 1]”) and [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published accounts of Ernst Geiringer (“Account Owner Ernst Geiringer”), over which Trude Geiringer (“Power of Attorney Holder Trude Geiringer”) held power of attorney, and to the published accounts of Clara Geiringer (“Account Owner Clara Geiringer”) (together the “Account Owners”), over which Ernst Geiringer (“Power of Attorney Holder Ernst Geiringer”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where claimants have requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

## **Information Provided by the Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted Claim Forms identifying Account Owner Clara Geiringer as her grandmother, Clara Geiringer, who was born on 13 January 1860, and identifying Account Owner Ernst Geiringer as her father, Dr. Ernst Geiringer, who was born on 6 March 1888 in Vienna. Claimant [REDACTED 1] stated that her grandmother, who was Jewish, was a housewife, and that she resided in Vienna, Austria at Theresianumgasse 4 until 1938. Claimant [REDACTED 1] also stated that her grandmother had two children: Ernst Geiringer and

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<sup>1</sup> Claimant [REDACTED 1]'s son, [REDACTED], and Claimant [REDACTED 2] informed the CRT that Claimant [REDACTED 1] passed away on 9 July 2004.

[REDACTED]. Claimant [REDACTED 1] stated that her grandmother, Clara Geiringer, fled Austria for the United States in 1939 where she died in New York, New York.

Claimant [REDACTED 1] indicated that her father, Ernst Geiringer, who was Jewish, resided at Prinz-Eugenstrasse 34 in Vienna until 1938 when he fled Austria for London and eventually moved to the United States, where he died in 1956. Claimant [REDACTED 1] stated that her father was married to Gertrud (also known as Trude) Geiringer, née Neumann, who was born on 1 February 1890, and that they had two children, Claimant [REDACTED 1] and [REDACTED] (also known as [REDACTED]). Claimant [REDACTED 1] stated that her father died in the United States, that her mother died in July 1981, also in the United States, and that her brother, [REDACTED], died in 1980 in England.

In support of her claims, Claimant [REDACTED 1] submitted excerpts of records held in the Austrian State Archive (Archive of the Republic, Finance), concerning the assets of Clara Geiringer and Dr. Ernst Geiringer. Additionally, Claimant [REDACTED 1]'s son, [REDACTED], submitted Claimant [REDACTED 1]'s Austrian passport, and her birth and death certificates, indicating she was born on 14 February 1913 in Vienna, Austria, that her parents were Ernst Geiringer and Gertrude Neumann of Austria, and that she died on 9 July 2004 in Lenox, Berkshire, the United States. [REDACTED] also submitted Claimant [REDACTED]'s Last Will and Testament, showing that she named her son [REDACTED], and her daughter, [REDACTED], co-executors and trustees of her estate.

Claimant [REDACTED 1] indicated that she was born in 1910 in Vienna.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2], who is Claimant [REDACTED 1]'s nephew, submitted Claim Forms identifying the Account Owners as his paternal great-grandmother, Clara Geiringer, and his paternal grandfather, Dr. Ernst Geiringer. Claimant [REDACTED 2] stated that his great-grandmother, who was Jewish, was born in 1860, and that she was a housewife who resided at Theresianumstrasse and at Prinz-Eugenstrasse in Vienna. Claimant [REDACTED 2] stated that his grandfather, Ernst Geiringer, was born on 6 March 1888 to Clara and [REDACTED] Geiringer, and resided at Prinz-Eugenstrasse 34 in Vienna in the 1930s. Claimant [REDACTED] stated that his grandfather, who was Jewish, was married to Gertrude (also known as Trude) Geiringer, née Neumann, who was born on 1 February 1890, and that they had two children: Claimant [REDACTED 1] and Claimant [REDACTED 2]'s father, [REDACTED] (also known as [REDACTED]). Claimant [REDACTED 2] stated that his grandfather had to leave Austria very suddenly as a result of the incorporation of Austria into the Reich in March 1938 (the “*Anschluss*”) and that he died in Larchmont, New York, the United States in 1956.

In support of his claims, Claimant [REDACTED 2] submitted two letters written by Gertrud (Trude) Geiringer to one of her grandchildren in 1978, and his own birth certificate, showing he was born on 17 June 1947 in New York, to [REDACTED] and [REDACTED 3].

Claimant [REDACTED 2] stated that he was born on 17 June 1947. Claimant [REDACTED 2] is representing his mother, [REDACTED 3], née [REDACTED], who was born on 28 February 1918 in Vienna.

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

### Account Owner Clara Geiringer

The Bank's records consist of a customer card, a power of attorney form dated 9 January 1928, a blank consent form to be signed by Account Owner Clara Geiringer's husband, a signed acknowledgement of receipt of general terms and conditions applying to custody accounts, an instruction form, a list of closed custody accounts belonging to the Bank's Austrian clients, and printouts from the Bank's database.

According to these records, Account Owner Clara Geiringer was Clara Geiringer, who resided at Theresianumgasse 5 in Vienna IV, Austria. The Bank's records indicate that Account Owner Clara Geiringer owned a demand deposit account and a custody account with the number 25425, which had been in existence as early as 1928. The Bank's records indicate that on 9 January 1928 Account Owner Clara Geiringer granted power of attorney over the accounts to her son, Ernst Geiringer, who resided at Prinz Eugenstrasse 34 in Vienna IV.

The Bank's list of Austrian customers whose accounts were transferred to Austria in 1938 includes Clara Geiringer and shows that the assets in her custody account were valued at 38,500.00 Swiss Francs ("SF") and were transferred to the *Österreichische Creditanstalt - Wiener Bankverein* on 8 August 1938. The Bank's records indicate that this account was closed on 16 August 1938, and that the demand deposit account was closed on or before this date. The records do not show a balance for the demand deposit account. There is no evidence in the Bank's records that Account Owner Clara Geiringer, Power of Attorney Holder Ernst Geiringer, or their heirs closed the accounts and received the proceeds themselves.

### Account Owner Ernst Geiringer

The Bank's records consist of a customer card and a list of closed custody accounts belonging to the Bank's Austrian clients. According to these records, Account Owner Ernst Geiringer was Dr. Ernst Geiringer, who resided at Prinz Eugenstrasse 34 in Vienna IV, and Power of Attorney Holder Trude Geiringer was *Frau* (Mrs.) Trude Geiringer of Vienna. These records indicate that Account Owner Ernst Geiringer held a custody account and a demand deposit account, both numbered 23748. The Bank's records indicate that, though no opening date is given, these accounts were in existence by 1926.

This list of accounts belonging to Austrian customers whose accounts were transferred to Austria in 1938 includes Ernst Geiringer accounts and indicates that both accounts were transferred to the *Österreichische Creditanstalt - Wiener Bankverein* on 12 July 1938, on which date the custody account held a balance of SF 191,700.00, and the demand deposit account had a balance of SF 478.00. The Bank's records indicate that these accounts were closed on 14 July 1938.

There is no evidence in the Bank's records that Account Owner Ernst Geiringer, Power of Attorney Holder Trude Geiringer or their heirs closed the accounts and received the proceeds themselves.

### **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, and/or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Clara Geiringer, Dr. Ernst Geiringer, and Gertrud Geiringer.

#### Clara Geiringer

The file concerning the assets of Clara Geiringer, numbered 18987, includes her 1938 Census form, dated 30 June 1938, which indicates that she was born on 13 November 1860, and that she lived at Theresianumgasse 5 in Vienna VI. Clara Geiringer further declared that she owned securities at the Bank valued at 15,676.00 Reichsmark ("RM"), which, the CRT notes, was worth SF 27,410.39.<sup>2</sup> These securities included shares of a Dutch company valued at 6,480.00 Dutch Guilders, which according to correspondence between the *Österreichische Creditanstalt - Wiener Bankverein* and the *Vermögensverkehrsstelle* (the agency responsible for the handling of assets owned by Jews) were sold by the *Creditanstalt* on 17 March 1939, by which time Clara Geiringer already had emigrated to New York. The records indicate, in addition, that Clara Geiringer received monthly payments from her son, Dr. Ernst Geiringer.

#### Ernst Geiringer

The file concerning the assets of Dr. Ernst Geiringer, numbered 25252, includes his 1938 Census form, dated 15 July 1938, which indicates that he was born on 6 March 1888, that he was married to Gertrud Geiringer, née Neumann, lived at Prinz Eugenstrasse 34 in Vienna IV, worked in an industrial concern, and identified his religion as Protestant. The form further shows that, as of 27 April 1938, Dr. Ernst Geiringer owned securities at the Bank valued at RM 51,755.00, which, the CRT notes, was worth SF 90,496.59, and a demand deposit account at the Bank with a balance of SF 153.00. The records further indicate that Dr. Ernst Geiringer paid RM 25,212.00 in flight tax (*Reichsfluchtsteuer*) on 11 July 1938, and that the *Vermögensverkehrsstelle* was informed by a representative of Dr. Ernst Geiringer that he had emigrated to London on 28 July 1938, at which time he was in compliance with all his legal obligations.

#### Gertrud Geiringer

The file concerning the assets of Gertrud Geiringer, numbered 5883, includes her 1938 Census form, dated 30 June 1938, which indicates that she was born on 1 February 1890, that she was

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<sup>2</sup> In calculating account values, the CRT uses the official exchange rates.

married to Dr. Ernst Geiringer, and that she lived at Prinz Eugenstrasse 34 in Vienna IV. In her form, Gertrud Geiringer declared only jewelry and made no mention of assets held in a Swiss bank 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 four claims of the Claimants in one proceeding.

### Identification of the Account Owners

The Claimants have plausibly identified the Account Owners. Claimant [REDACTED 1]'s father's and Claimant [REDACTED 2]'s grandfather's name and city and country of residence match the published name and city and country of residence of Account Owner Ernst Geiringer. The name, city and country of residence of Claimant [REDACTED 1]'s grandmother and Claimant [REDACTED 2]'s great-grandmother match the published name, city and country of residence of Account Owner Clara Geiringer. Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 2]'s grandmother's name matches the published name of Power of Attorney Holder Trude Geiringer. The Claimants also identified their relatives' street addresses, Ernst Geiringer's professional title, and the fact that he was the son of Clara Geiringer, which match unpublished information about the Account Owners contained in the Bank's records.

In support of his claim, Claimant [REDACTED 1] submitted the 1938 Census records filed by Ernst Geiringer and Gertrud Geiringer, indicating that Ernst Geiringer was the son of Clara Geiringer and that Ernst Geiringer resided at Prinz Eugenstrasse 34, and [REDACTED], Claimant [REDACTED 1]'s son, submitted Claimant [REDACTED 1]'s birth and death certificates, which show that Claimant [REDACTED]'s parents were Ernst Geiringer and Gertrude Neumann of Austria. These documents provide independent verification that the persons who are claimed to be the Account Owners had the same names and resided in the same city recorded in the Bank's records as the names and city of residence of the Account Owners.

The CRT notes that the names Clara Geiringer and Ernst Geiringer appear only once each 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"). The CRT further notes that there are no other claims to these accounts.

### Status of the Account Owners as a Victim of Nazi Persecution

The Claimants have made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimants stated that the Account Owners were Jewish, and that they fled Austria after the *Anschluss*.

### The Claimants' Relationship to the Account Owners

The Claimants have plausibly demonstrated that they are related to the Account Owners by submitting specific information and documents, demonstrating that Account Owner Clara Geiringer was Claimant [REDACTED 1]'s grandmother and Claimant [REDACTED 2]'s great-grandmother. These documents include Claimant [REDACTED 1]'s birth and death certificates, showing that her parents were Ernst Geiringer and Gertrud Neumann. The CRT notes that the 1938 Census record for Clara Geiringer indicates that Ernst Geiringer was her son.

The CRT further notes that Claimant [REDACTED 2] identified unpublished information about the Account Owners as contained in the Bank's records, and that he submitted copies of letters written in 1978 by Gertrude Geiringer to one of her grandchildren. The CRT notes that these documents are likely those which only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well known to Claimant [REDACTED 2] as family members, and all this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owners, as he has asserted in his Claim Forms. There is no information to indicate that the Account Owners have other surviving heirs.

### The Issue of Who Received the Proceeds

With respect to the Account Owners' custody accounts and the demand deposit account held by Account Owner Ernst Geiringer, the facts of this case are similar to other cases that have come before the CRT in which Jewish residents and/or nationals of the Reich reported their assets in the 1938 Census, and, subsequently, as in this case, their accounts are closed unknown to whom or are transferred to banks in the Reich. Given that the CRT's precedent indicates that in such situations the proceeds of the accounts ultimately were confiscated by the Nazi regime; that the Account Owners reported these accounts in the 1938 Census; that the Account Owners lived in Austria until they fled to the United States, and therefore could not have repatriated the accounts without losing ultimate control over their proceeds; and given the application of Presumptions (d), (h), and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A) the CRT concludes that it is plausible that these account proceeds were not paid to the Account Owners, the Power of Attorney Holders, or their 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.

With respect to the demand deposit account held by Account Owner Clara Geiringer, given that she fled Austria for the United States; that there is no record of the payment of Account Owner Clara Geiringer's accounts to her; that Account Owner Clara Geiringer and her heirs would not have been able to obtain information about her account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j) as provided in Article 28 of the Rules, the CRT concludes that it is plausible that the account proceeds were not paid to Account

Owner Clara Geiringer, Account Owner Ernst Geiringer, who held power of attorney over her accounts, or their heirs.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1] has plausibly demonstrated that Account Owner Clara Geiringer was her grandmother and Account Owner Ernst Geiringer was her father, and Claimant [REDACTED 2] has plausibly demonstrated that Account Owner Clara Geiringer was his great-grandmother and Account Owner Ernst Geiringer was his grandfather, and those relationships justify an Award. Third, the CRT has determined that it is plausible that neither the Account Owners, the Power of Attorney Holders, nor their heirs received the proceeds of the claimed accounts. Further, the CRT notes that Claimant [REDACTED 2], as Account Owner Clara Geiringer's great-grandson and as Account Owner Ernst Geiringer's grandson, and Claimant [REDACTED 1], as Account Owner Clara Geiringer's granddaughter and as Account Owner Ernst Geiringer's daughter, have a better entitlement to the accounts than [REDACTED 3], who is related to the Account Owners through marriage.

### Amount of the Award

#### *Account Owner Clara Geiringer*

With respect to the custody account and demand deposit account held by Account Owner Clara Geiringer, the Bank's records indicate that the value of the custody account as of 8 August 1938 was SF 38,500.00. The CRT notes that this amount exceeds the value declared by Account Owner Clara Geiringer in her 1938 Census form, supporting the general presumption that account owners may not always have declared their entire Swiss bank holdings to the Nazi authorities. The records do not indicate a value for the demand deposit 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 ICEP (the "ICEP Investigation"), in 1945 the average value of a demand deposit account was SF 2,140.00. The total value of Account Owner Clara Geiringer's accounts is therefore SF 40,640.00. The current value of the amount of the award is determined by multiplying the value of these accounts by a factor of 12.5, in accordance with Article 31(1) of the Rules. Thus, the total award amount for the custody account and demand deposit account held by Account Owner Clara Geiringer is SF 508,000.00.

#### *Account Owner Ernst Geiringer*

With regard to the custody account and demand deposit account held by Account Owner Ernst Geiringer, the records indicate that the values of the custody and demand deposit account as of 12 July 1938 were SF 191,700.00 and SF 478.00, respectively. The CRT notes that these amounts exceed the values declared by Account Owner Ernst Geiringer in his 1938 Census form, supporting the general presumption that account owners may not always have declared their

entire Swiss bank holdings to the Nazi authorities. 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. Thus, the total value of the two accounts is SF 193,840.00. The current value of the amount of the award is determined by multiplying the value of these accounts by a factor of 12.5, in accordance with Article 31(1) of the Rules. Thus, the total award amount of the custody account and demand deposit account held by Account Owner Ernst Geiringer is SF 2,423,000.00.

The total combined value of the accounts belonging to the Account Owners is SF 2,931,000.00.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owners who have submitted a claim, in equal shares by representation. Accordingly, Claimant [REDACTED 1] and Claimant [REDACTED 2] are each entitled to one-half of the total award amount. As noted above, [REDACTED], who is related to the Account Owners through marriage only, is not entitled to share in the award amount.

#### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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  
31 March 2005