

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Hadassa Brenner

in re Account of Natan Glück

Claim Number: 219000/HS¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based on the claim of Hadassa Brenner, née Glück, (the “Claimant”) to the account of Natan Glück (the “Account Owner”) at the [REDACTED] (the “Bank”) in Zurich.

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 her paternal grandfather, Natan Glück, who was born in Poland, and was married to Elenora (Elka) Glück, née Salomon. The Claimant stated that her grandfather, who was Jewish, owned a wood factory near Sambor, Poland (now Sambir, Ukraine). The Claimant stated that her grandfather and four of his five children were killed in July 1942. The Claimant explained that her father, Osias (Jehoshua) Glück, survived because he had immigrated to Palestine in 1936.

The Claimant explained that her grandfather held a Swiss bank account referred to as “Konto Natan 765,” and that some of the money from this account was paid to the Claimant’s mother in 1938. The Claimant stated that to her knowledge, she is the sole living heir to her grandfather Natan Glück.

¹ Hadassa Brenner (the “Claimant”) submitted an additional Claim Form, which was registered under the Claim Number 219086. In a separate decision approved by the Court on 4 March 2008, the Claimant was informed that the CRT did not locate accounts belonging to Isidor Israel-Bär Glück, Nathan (Natan) Glück, Mozes Schagrün, Rosalia Halpern, Helena Meier, Norbert Glück, Markus-Mordechai Glück, Sara Glück, and Bertha Glück 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 current award is based on documents submitted by the Claimant, evidencing an account held under the name “Natan 765.”

In support of her claim, the Claimant submitted copies of the following documents:

- (1) The marriage certificate of the Claimant's parents, indicating that Osias Glück, residing in Targowiska, a town near Krosno, Poland, and Gizela Schagrün, residing in Milowka, a town near Zablocie, Poland, were married by a rabbi in 1934 in Krakow, Poland. This certificate also indicates that Osias Glück was the son of Nathan Glück, who worked in the timber industry, and Elka Glück, née Salamon. The certificate further indicates that Gizela Schagrün was the daughter of Mozes Schagrün, a merchant in Milowka, and Hana Schagrün, née Springut.
- (2) The Claimant's birth certificate, indicating that Hadassa Glück was born on 24 March 1935 in Krakow to Osias Glück and Gizela Glück.
- (3) A letter from the Bank in Zurich dated 8 August 1938, and addressed to Gizela Glück at Geolah 19 in Haifa, Palestine (now Israel). This letter is further described below.
- (4) An affidavit by the Claimant's father, Yehoshua (Osias) Glück of 19 Geula Street in Haifa, dated in 1950 and sworn before a Haifa court, stating that the affiant is the son of the late Natan Glück, who had two brothers, both deceased: Isaak and Isidore (Yisrael Bar). The affidavit also states that Isidor Glück, who was a Polish citizen and Jewish, and his wife and children were murdered in July 1942 in Poland. Further, according to the affidavit, the only heirs of Isidor Glück were the affiant (Yehoshua Glück) and his cousin Yehiel Glück (the son of Natan and Isidore's brother Isaak). Finally, the affidavit states that "the above deceased" left deposited assets in Switzerland, which were being claimed in 1950.
- (5) An inheritance certificate from the district court in Jerusalem, Israel, dated in 1951, confirming that Yehoshua Glück, son of Natan Glück, and the former's cousin, Yehiel Glück, son of Isaak Glück, were sole heirs of Natan and Isaak Glück's brother, Isidor (Israel Bär) Glück, who was killed in 1942 in Poland with his wife, children, and grandchildren.
- (6) The death certificate of the Claimant's father, Yehoshua Glück, indicating that his father's name was Natan and that he resided at 19 Geula Street in Haifa as of the date of his death on 3 May 1971.
- (7) The inheritance certificate pertaining to the Claimant's father's estate, dated 16 July 1971 and issued by the district court in Haifa, indicating that Gizela Glück was the sole heir of the late Joshua Glück, resident of Guela 19 in Haifa.
- (8) The death certificate of the Claimant's mother, Gizela Glück, indicating that her father's name was Moshe, that she was a widow, and that she died in Haifa on 13 November 1985.
- (9) The inheritance certificate pertaining to the Claimant's mother's estate, dated 2 May 1986 and issued by the district court in Haifa, indicating that Gizela Glück's sole heir was her daughter Hadassa Brenner (the Claimant).

The Claimant indicated that she was born on 24 March 1935 in Krakow. The Claimant previously submitted an Initial Questionnaire to the Court in 1999 and two ATAG Ernst & Young claim forms in 1998, asserting her entitlement to Swiss bank accounts owned by Isidor Glück, Nathan Glück, and Mozes Schagrün.

Information Available in the Bank's Records

The CRT notes that 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”) did not report an account belonging to Natan Glück during their investigation of the Bank. The Bank’s record was submitted to the CRT by the Claimant.

The Claimant submitted a letter from the Bank, dated 8 August 1938, and addressed to Gizela Glück of Geolah 19 in Haifa, Palestine (now Israel). The letter states that a payment by check number 21305 in the amount of 126.00 Pound Sterling (“£”) was made to Gizela Glück from an account at the Bank referred to as “Natan 765,” pursuant to instructions from the owner of that account. The Bank requested confirmation of receipt of the funds through the use of an enclosed post card numbered 3920. The Bank’s letter does not indicate the name of the Account Owner of account “Natan 765.”

The Bank’s record does not show when the account at issue was closed, nor does this record indicate the type or value of the account. There is no indication in the Bank’s record that the Account Owner or the Account Owner’s heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owners

In this case, the Bank’s record submitted by the Claimant does not indicate the name of the Account Owner but indicates that the account was held under the name “Natan 765.” The CRT notes that “Natan” matches the first name of the Claimant’s paternal grandfather, Natan Glück. Additionally, the CRT notes that, according to the Bank’s record, a payment from this account was made to Gizela Glück of Geolah 19, Haifa, in 1938, which matches the name of the Claimant’s mother and her street address.

In support of her claim, the Claimant submitted her parents’ marriage certificate, indicating that Gizela Glück became the daughter-in-law of Natan Glück in 1934, several years before the date of the Bank’s record; an affidavit by the Claimant’s father dated in 1950, indicating that his father was Natan Glück, that he resided at 19 Geula in Haifa,² and that his family was then in the process of claiming Swiss deposited assets belonging to Natan Glück’s late brother Isidore; one death certificate and two inheritance certificates, indicating that Yehoshua Glück of Guela 19 in Haifa was the son of Natan Glück; and death and inheritance certificates, indicating that Gizela Glück resided in Haifa in 1985.

² The CRT notes the slight spelling variation for this street in the Bank’s record compared with the documents provided by the Claimant. However, this spelling variation is due to the transliteration from Hebrew into English of the documents submitted by the Claimant and does not affect the CRT’s determination.

These documents provide independent verification that the person who is claimed to be the Account Owner had the same first name as the name of the account (“Natan”) appearing in the Bank’s record. Further, these documents also confirm that the person who is claimed to be the recipient of funds from the account had the same name and street address as the recipient of funds indicated in the Bank’s records. Furthermore, these documents confirm that Gizela Glück’s father-in-law was named Natan, which is consistent with information in the Bank’s record that she received funds from an account identified under the name Natan.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimony submitted by Gizela Glück in 1978, which indicate that Gizela Glück’s father-in-law and mother-in-law, Natan and Elka (Elenora) Glück, from the Polish towns of Sambor and Krosno, resided in Krakow during the Second World War, and that they perished in the Holocaust. This information matches the information provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

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 of account “Natan 765” as Natan Glück.

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, that he resided in Poland, and that he, his wife, and four of his five children were killed in July 1942. As noted above, persons named Natan Glück and Elka Glück were included in the CRT’s database of victims.

The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner, by submitting specific information and documents, demonstrating that the Account Owner was her paternal grandfather. These documents include the Claimant’s parents’ marriage certificate, indicating that the son of Natan Glück, Osias Glück, was married to Gizela Glück; the Claimant’s birth certificate, indicating that her parents were Osias and Gizela Glück; and an affidavit and death and inheritance certificates, together indicating that Natan Glück’s sole heir was Osias Glück, that Osias Glück’s sole heir was his wife, Gizela Glück; and that Gizela Glück’s daughter and sole heir was Hadassa Brenner (the Claimant).

The Issue of Who Received the Proceeds

The Bank’s record submitted by the Claimant indicates that funds were transferred from the account on 8 August 1938. The CRT notes that this document is dated just over a year before the Nazi invasion of Poland on 1 September 1939. The CRT additionally notes that this record does not indicate when or if the account was closed, or that the funds that were transferred constituted the entire amount in the account. Given that the Account Owner and all but one of his children remained in Poland and perished in the Holocaust; that there is no record of the payment of the

Account Owner's account to him, nor any record of a date of closure of the account; that the Account Owner's heirs would not have been able to obtain information about his 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 Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his 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.

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 her grandfather, and that relationship justifies an award. Third, the CRT has determined that it is plausible 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 an account, the type of which is not indicated. The CRT notes that in August 1938, the owner of the account transferred £126.00 to the Claimant's mother, who at that time resided in Palestine (today Israel). As noted above, there is no evidence that the amount transferred constituted the entire amount in the account. The amount remaining in the account after this transfer was made is unknown. 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 ICEP Investigation, in 1945 the average value of an account of unknown type was 3,950.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Certification of the Award

The CRT certifies this award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal
17 September 2010