

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Ferenc Goldschmidt

Claim Number: 730751/SI¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Ferenc Goldschmidt (the “Account Owner”), over which [REDACTED] (“the Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

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”) with the Court in 1999 identifying the Account Owner as her paternal grandfather, Ferenc Goldschmidt, who was born on 9 May 1893 in Baja, Hungary. The Claimant indicated that her grandfather, who was Jewish, resided on Haznald street in Baja. According to the Claimant, her grandfather owned a flour mill named *Goldschmidt Testverek*, which was located in Baja. The Claimant indicated that her grandfather was deported to Auschwitz in 1944, but survived and returned to Baja in July 1945. The Claimant indicated that her grandfather died on 1 June 1981 in Budapest, Hungary. In support of her claim, the Claimant submitted the government registration form for *Goldschmidt Testverek*, indicating that the owners of the company were Ferenc and [REDACTED] Goldschmidt, that the company was located in Baja, and that the company was started in 1935. The Claimant indicated that she was born on 22 November 1961.

¹ [REDACTED] did not submit a Claim Form to the CRT. However, in 1999 she submitted an Initial Questionnaire (“IQ”), numbered HUN-0074-158, 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 730751.

Information Available in the Bank's Records

The Bank's record submitted by 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") consists of a printout from the Bank's database. Pursuant to Article 6 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), the CRT requested the voluntary assistance of the Bank to obtain additional information about Ferenc Goldschmidt's assets ("Voluntary Assistance"). On 9 June 2005, the Bank provided the CRT with an additional document. This document is a power of attorney form signed on 25 January 1929. The Bank's records indicate that the Account Owner was Ferenc Goldschmidt, who was in the mill business, and that the Power of Attorney Holder was *Frau* (Mrs.) [REDACTED], both of whom resided in Baja, Hungary. The Bank's records further indicate that the Account Owner held an account, the type of which is not indicated, which was opened no later than 1929. The Bank's records do not show when the account at issue was closed, nor do these records indicate the value of this account.

The auditors who carried out the ICEP Investigation did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's grandfather's name, city, and country of residence match the published name, city, and country of residence of the Account Owner. The Claimant indicated that her grandfather owned a mill, which matches unpublished information about the Account Owner's profession in the Bank's records. In support of her claim, the Claimant submitted the government registration form for *Goldschmidt Testverek*, indicating that the owners of the company were Ferenc and [REDACTED] Goldschmidt and that the company was located in Baja, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner. The CRT notes that the names Ferenc Goldschmidt and [REDACTED] each appear only once on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi Persecution.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Ferenc Goldschmidt 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 her 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 her grandfather, but rather on a direct family

relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her grandfather 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 the other claim to this account was disconfirmed because the date of death of the person claimed to be the account owner is inconsistent with the signature date on the power of attorney form in the Bank's records.

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 deported to Auschwitz in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's grandfather. The CRT notes that the Claimant identified unpublished information about the Account Owner as contained in the Bank's records, and that the Claimant filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and the Claimant, prior to the publication in February 2001 of the ICEP List. 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 she has asserted in her Claim Form. The CRT notes that there is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Account Owner was deported to Auschwitz in 1944; that the Account Owner resided in Hungary after the Second World War until his death on 1 June 1981; 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 and his 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), (i), 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, the Power of Attorney Holder, 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.

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 the Power of Attorney Holder, nor their heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of an unknown type. 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.

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 her claim to determine whether there are additional Swiss bank accounts to which she 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
29 December 2005