

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Paul Galambos

in re Account of Otto Goldstein

Claim Number: 213910/BW¹

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Paul Galambos (the “Claimant”) to the published account of Otto Goldstein (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).²

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 father’s uncle, Otto Goldstein, who was born to Abraham and Else Goldstein, née Seligman, and resided in Germany. The Claimant indicated that his father, Elek Galambos, who was born on 13 June 1905 in Győr, Hungary, told him that the Hungarian branch of the Goldstein family changed their surname to Galambos in response to growing anti-Semitism in Hungary. The Claimant further indicated that this name change occurred around 1923, when his father was 18 years old. The Claimant stated that his great-uncle, who was Jewish, resided and worked in Germany, possibly in the family business which produced and distributed footwear throughout Europe. The Claimant provided evidence that another of his father’s uncles, Dr. Oskar (Ozkar) Goldstein owned a Swiss bank account that was awarded to the Claimant pursuant to a claim he filed in 1998 with ATAG Ernst & Young to the Claims Resolution Tribunal for Dormant Accounts in Switzerland (“CRT I”), which arbitrated claims to certain dormant Swiss bank accounts between 1997 and 2001. The Claimant indicated that Oscar Goldstein might have assisted his brother

¹ The Claimant submitted twelve additional claims, which are registered under the Claim Numbers 213835, 213836, 213837, 213838, 213839, 213911, 213912, 214028, 214029, 214037, 214038, 214039. The CRT will treat these claims in separate determinations.

² The CRT notes that the name Otto Goldstein appears on both 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”), and the List of Account Owners Published in 2005 (the “2005 List”). Upon careful review, the CRT has determined that the Otto Goldstein appearing on the 2005 List is not the same person addressed in this decision and, consequently, the Claimant did not identify this other account owner as his relative.

Otto Goldstein with establishing a Swiss bank account. The Claimant indicated that Otto Goldstein, along with all other members of the Goldstein/Galambos family, except the Claimant's father, perished in the Holocaust.

In support of his claim, the Claimant submitted documents, including a family tree, which identifies the children and further descendants of Rabbi Abraham Goldstein and Else Goldstein, née Seligman. Among the descendants listed is the name "Otto" and the notation "*nemet*" or German. The Claimant's grandfather, Ignacz, is listed as well, with the notation of "*magyar*" or Hungarian. The Claimant also submitted a copy of a court order, dated 23 November 1950, from a court in Győr, Hungary, which indicates the Claimant's grandfather's name as "Galambos/Goldstein Ignác."

The Claimant indicated that he was born on 4 May 1947 in Mosonymagyaróvár, Hungary.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999 asserting his entitlement to a Swiss bank account owned by his father Elek Galambos/Goldstein, and an ATAG Ernst & Young claim form in 1998 to the CRT-I ("CRT-I Claim"), asserting his entitlement to a Swiss bank account owned by Oskar Goldstein.³ In the CRT-I Claim, the Claimant indicated that the Hungarian branch of the Goldstein family changed their surname to Galambos, and also indicated that the Goldstein branch of his family resided in Germany.

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Otto Goldstein, who resided in Berlin, Germany. The Bank's record indicates that the Account Owner held a demand deposit account, which was opened in February 1932.

The Bank's record indicates that the account was closed on 10 January 1934. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's paternal great-uncle's name and country of residence match the published name and country of residence of the Account Owner.

The CRT notes that the name Otto Goldstein appears only once on the February 2001 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").

³ The CRT will treat the claim to the account of Elek Galambos in a separate determination. In a separate decision, the CRT-I awarded the account of Oskar Goldstein to the Claimant.

The CRT notes that the Claimant filed a claim form to the CRT-I asserting his entitlement to a Swiss bank account owned by Oskar Goldstein, prior to the publication of the ICEP List. In the CRT-I Claim, the Claimant indicated that the Hungarian branch of the Goldstein family changed their surname to Galambos, and also indicated that the Goldstein branch of his family resided in Germany. 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 rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative 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 claims to this account were disconfirmed because that claimant provided a different country of residence than the country of residence of the Account Owner. 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, that he resided in Nazi Germany, and that he perished in the Holocaust.

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 great-uncle. There is no information to indicate that the Account Owner has other surviving heirs.

The CRT notes that the Claimant filed a CRT-I Claim indicating that the Galambos family surname had been changed at some point from Goldstein, and also indicated that the Goldstein branch of his family resided in Germany. The CRT further notes that the Claimant also submitted an undated family tree, which indicates the children and descendants of Rabbi Abraham Goldstein and Else Goldstein, née Seligman. Among the descendants listed is the name "Otto" and the notation "*nemet*" or German. The Claimant's grandfather, Ignác, is listed as well, with the notation of "*magyar*" or Hungarian. The Claimant also submitted a copy of a court order, dated 23 November 1950, from a court in Győr, Hungary, which indicates the Claimant's grandfather's name as "Galambos/Goldstein Ignác." These documents provide independent verification that the Claimant's relatives bore the same family name as the Account Owner and that his family resided in both Germany and Hungary. 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 Issue of Who Received the Proceeds

The Bank's record indicates that the account was closed on 10 January 1934.

Given that after coming to power in 1933, the Nazi regime embarked on a campaign to seize the domestic and foreign assets of the Jewish population through the enforcement of discriminatory tax- and other confiscatory measures, including confiscation of assets held in Swiss banks; that there is no record of the payment of the Account Owner's account to him; 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 (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendices A and C),⁴ 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 his great-uncle, 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 a 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 the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation"), in 1945 the average value of a demand deposit account was 2,140.00 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 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).

⁴ Appendix C appears on the CRT II website -- www.crt-ii.org.

Certification of the Award

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

Claims Resolution Tribunal
23 March 2007