

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Account of A. Groesser

Claim Numbers: 219749/SJ; 601009/SJ¹

Award Amount: 49,475.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED], née [REDACTED], (the “Claimant”) to the unpublished account of [REDACTED].² This Award is to the unpublished account of A. Groesser (the “Account Owner”) at the St. Gallen branch of the [REDACTED] (the “Bank”).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 a claim to the Holocaust Claims Processing Office (“HCPO”) and a Claim Form to the CRT asserting her entitlement to accounts belonging to her paternal grandfather, [REDACTED]. In the Claim Form, the Claimant also identified [REDACTED] as her uncle, the brother of her father and the son of [REDACTED]. The Claimant stated that her uncle was Jewish, that he was born on 9 September 1895 in Austria-Hungary and that he was killed on 26 October 1942 in Auschwitz. In a telephone conversation with the HCPO on 10 June 2004, the Claimant added that [REDACTED] was married to [REDACTED], and that they had one daughter. The Claimant also indicated that [REDACTED] lived in Ostrava, Czechoslovakia, and that he was a businessman and merchant who worked with his father, [REDACTED], in the grain business. Finally, the Claimant indicated during this conversation that [REDACTED]’s wife and daughter also perished at Auschwitz.

¹ The Claimant submitted a claim, numbered [REDACTED], on 7 November 1997 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 [REDACTED].

² The CRT will treat the claim to this account in a separate decision.

The Claimant also provided detailed information in her Claim Form regarding her grandfather, [REDACTED], [REDACTED]'s father. The Claimant stated that [REDACTED], who was also Jewish, was born on 10 September 1866 in Austria-Hungary. According to the Claimant, her grandfather was a wealthy merchant who owned property in Czechoslovakia, as well as artworks, jewelry, and assets in Swiss banks. The Claimant indicated that her grandfather was married to [REDACTED], née [REDACTED], and that they had three children: the Claimant's father, [REDACTED], [REDACTED], and [REDACTED]. The Claimant stated that her grandfather was killed on 22 October 1942 in Treblinka and that her grandmother was also killed in a concentration camp.

In support of her claim, the Claimant submitted copies of documentation attesting to her grandfather's transport to Theresienstadt, as well as his subsequent transport to Treblinka. In addition, the Claimant submitted several letters of correspondence from 1996 and 1997 between herself and the Contact Office for the Search of Dormant Accounts Administered by Swiss Banks (the "Swiss Bank Contact Office"), in which the Claimant requested that the Contact Office search for accounts belonging to her grandfather. The Contact Office charged the Claimant a fee of 300.00 Swiss Francs ("SF"), and later informed the Claimant that they could find no accounts belonging to her grandfather and returned SF 200.00 to the Claimant. The Claimant stated that she was born on 5 February 1940 in Moravska Ostrava, Czechoslovakia. The Claimant indicated that she has two cousins, who are the children of her father's sister, [REDACTED], née [REDACTED].

The Claimant previously submitted an HCPO claim in 1997 and an Initial Questionnaire to the Court in 1999 asserting her entitlement to Swiss bank accounts owned by her grandfather, [REDACTED].

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 A. Groesser. 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 on 20 August 1970 to a suspense account. The amount in the account on the date of its transfer was SF 14.85. The account remains open and dormant.

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 has plausibly identified the Account Owner. The Claimant's uncle's name matches the unpublished first initial and last 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 the Account Owner's first initial and last name. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named [REDACTED], and indicates that his date of birth was 9 September 1895, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. This database also includes a person named [REDACTED] from Czechoslovakia, which is consistent with the name and country of birth and residence provided by the Claimant about the Account Owner's father.

The CRT notes that the Claimant filed an Initial Questionnaire with the Court in 1999 and an HCPO claim form in 1997, asserting her entitlement to a Swiss bank account owned by the Account Owner's father, [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"). In addition, the Claimant submitted several letters of correspondence from 1996 and 1997 between herself and the Swiss Bank Contact Office in which the Claimant requested that the Contact Office search for accounts belonging to her grandfather. The correspondence indicates that the Claimant has based her present claim 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 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 further notes that the Account Owner's name is spelled "Groesser" in the Bank's records and that the Claimant spelled her uncle's name "[REDACTED]" The CRT notes that the Bank's records consist of printouts from the Bank's database, and that this spelling was not confirmed by the Account Owner himself. The CRT also notes that, in German, "oe" is often written as "ö," and that, during anglicization of many German names, the umlaut is dropped. The CRT finds it plausible that the Claimant's family, who resides in the United States, may have dropped the umlaut from the spelling of its last name. Therefore, the CRT finds that the spelling discrepancy does not materially affect the Claimant's identification of the Account Owner. Finally, 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 perished in Auschwitz. Furthermore, the Claimant stated that the Account Owner's father also perished in a concentration camp. Finally, as noted above, persons named [REDACTED] and [REDACTED] 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 demonstrating that the Account Owner was her uncle. The CRT notes that the Claimant identified an unpublished account and that the Claimant provided information that matches information contained in the Yad Vashem records. Furthermore, 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 asserted in her Claim Form. Although the Claimant stated that she has two cousins living in Israel, she is not representing them. The CRT notes that the Claimant's cousins have not submitted Initial Questionnaires to the Court nor Claim Forms to the CRT as of the date of this award.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was suspended and remains open and dormant.

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 uncle, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor the Account Owner's 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. The Bank's records indicate that the value of the account of unknown type, as of 20 August 1970, was SF 14.85. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 1,690.00, which reflects standardized bank fees charged to the account between 1945 and 20 August 1970. Consequently, the adjusted balance of the account at issue is SF 1,704.85. 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, to produce a total amount of SF 49,375.00. Furthermore, the CRT finds that the Claimant is entitled to be reimbursed the amount of SF 100.00, which is the non-reimbursed portion of the amount she paid the Swiss Bank Contact Office, in furtherance of her search for her family's assets. The result is a total award amount of SF 49,475.00.

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
21 September 2005