

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to Claimants [REDACTED 1]

and [REDACTED 2]

## **in re Account of Franz Grossmann**

Claim Numbers: 728021/ES; 713624/ES<sup>1</sup>

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], formerly [REDACTED], (“Claimant [REDACTED 1]”) and of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the published account of Franz Grossmann (the “Account Owner”) at 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 Claimants**

### Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted an Initial Questionnaire (“IQ”) identifying the Account Owner as himself, [REDACTED 1], formerly [REDACTED]. Claimant [REDACTED 1] stated that he is Jewish and that he was born on 1 May 1924. Claimant [REDACTED 1] indicated that until 1943 he resided in Rozsnyo, Hungary, with his parents and siblings, and that from 1943 until May 1944 he worked in Budapest, Hungary, where he resided at Izabella u. 75, Budapest. Claimant [REDACTED 1] stated that from May 1944 he performed slave labor for the Hungarian army in Mosonmagyaróvár, Nagytétény and Vác, Hungary, but that he eventually managed to escape. Claimant [REDACTED 1] indicated that his father might have opened a

---

<sup>1</sup> The Claimants did not submit a Claim Form to the CRT. However, in 1999 they each submitted an Initial Questionnaire (“IQ”), numbered HUN 0006 023 and HEB 0070 121, respectively, to the Court in the United States. Although these IQs were not Claim Forms, 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 IQs were forwarded to the CRT and have been assigned claim numbers 728021 and 713624.

Swiss bank account in his name. Claimant [REDACTED 1] submitted a certificate indicating that he changed his last name from [REDACTED] to [REDACTED] on 12 May 1955, and his marriage certificate, indicating that in 1946 his name was [REDACTED 1].

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted an IQ identifying the Account Owner as himself, [REDACTED 2]. Claimant [REDACTED 2] stated that he is Jewish, was born on 2 December 1923, and resided in Csenger in the Satu Mare region, Hungary. Claimant [REDACTED 2] stated that he resided in Csenger with his parents until he was forced to perform slave labor by the Hungarian army in April 1944. Claimant [REDACTED 2] indicated that after the liberation of Hungary by the Russian army he returned to Csenger. Claimant [REDACTED 2] stated that his father, [REDACTED], deposited assets in Switzerland but he does not have further information regarding the account. Claimant [REDACTED 2] submitted a certificate issued on 5 November 1992 by the Hungarian authorities, indicating that [REDACTED 2] performed slave labor during the Nazi regime.

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

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Franz Grossmann. The Bank's record does not contain information about the Account Owner's domicile. The Bank's record indicates that the Account Owner held one account, numbered 35433, but it does not indicate the type of this account. The Bank's record further indicates that the account was considered dormant by the Bank and was transferred to a suspense account for dormant assets on 17 May 1984. The balance of the account on the date of the transfer was 26.05 Swiss Francs ("SF"). The account remains in the Bank's suspense 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 two claims of the Claimants in one proceeding.

#### Identification of the Account Owner

Claimant [REDACTED 1]'s name and Claimant [REDACTED 2]'s name are substantially similar to the published name of the Account Owner.<sup>2</sup> The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name.

---

<sup>2</sup> The CRT notes that Claimant [REDACTED 1]'s name was [REDACTED], and that Claimant [REDACTED 2]'s name is [REDACTED], while the Bank's record indicates that the Account Owner's name was Franz Grossmann.

In support of his claim, Claimant [REDACTED 1] submitted his marriage certificate, indicating that his name was [REDACTED 1], and Claimant [REDACTED 2] submitted a certificate issued by the Hungarian authorities on 5 November 1992, indicating that [REDACTED 2] performed slave labor during the Nazi regime, providing independent verification that the person who is claimed to be the Account Owner had substantially the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the Claimants each filed an IQ with the Court in 1999, asserting their entitlement to a Swiss bank account owned by them, prior to the publication of the ICEP List. This indicates that the Claimants have based their claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as themselves, but rather on information that was known to them before the publication of the ICEP List. It also indicates that the Claimants had reason to believe that they owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimants.

The CRT notes that Claimant [REDACTED 1] and Claimant [REDACTED 2] are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there are no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

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

The Claimants have made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimants both stated that the Account Owner is Jewish, and that he was forced to perform slave labor.

Claimant [REDACTED 2] also submitted a certificate issued by the Hungarian authorities on 5 November 1992, stating that he performed slave labor during the Nazi regime.

#### The Claimants' Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are the Account Owner by submitting specific information and documents, including Claimant [REDACTED 1]'s marriage certificate and a certificate stating that Claimant [REDACTED 2] performed slave labor during the Nazi regime.

---

However, given that [REDACTED] is the Hungarian equivalent of the name [REDACTED], and that [REDACTED] and [REDACTED] are variations of the spelling of the last name Grossman, the CRT finds that these discrepancies are immaterial and do not affect the Claimants' identification of the Account Owner.

## The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains in the Bank's suspense account.

## 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, the Claimants have plausibly demonstrated that they were the Account Owner and that justifies an Award. Third, the CRT has determined 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 of unknown type. The Bank's record indicates that the value of the account as of 17 May 1984 was SF 26.05. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 625.00, which reflects standardized bank fees charged to the account between 1945 and 1984. Consequently, the adjusted balance of the account at issue is SF 651.05. 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 award amount of SF 49,375.00.

## Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has plausibly established he has the same name as the Account Owner. Accordingly, the Claimants are each entitled to one-half of the total 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  
12 May 2005