

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award and Award Amendment

to Claimant [REDACTED]
represented by Dr. [REDACTED]

in re Accounts of Michel Grumbach and Jeanne Grumbach

Claim Number: 218542/NB¹

Original Award Amount: 45,425.00 Swiss Francs

Total Award and Award Amendment Amount: 123,500.00 Swiss Francs

This Certified Award and Award Amendment are based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Michel Grumbach. This Award and Award Amendment are to the published account of Michel Grumbach (“Account Owner Michel Grumbach”) over which Jeanne Grumbach (the “Power of Attorney Holder”) held power of attorney held at the Basel branch of the [REDACTED] (the “Bank”); and to the unpublished account of Account Owner Michel Grumbach and Jeanne Grumbach (“Account Owner Jeanne Grumbach”) (together the “Account Owners”) held at the Bank.

All awards and award amendments 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 owners, and the bank have been redacted.

Procedural History

On 14 May 2002, the Court approved an Award to the Claimant for an account of unknown type owned by Account Owner Michel Grumbach (the “May 2002 Award”). 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 this account (“Voluntary Assistance”). The Bank provided the CRT with additional documents, indicating that the account belonging to Account Owner Michel Grumbach, previously awarded as an account of unknown type, was in fact a custody account, and further evidencing the

¹ As indicated above, in a separate decision, the CRT awarded the published account of Michel Grumbach to Claimant [REDACTED], née [REDACTED] (the “Claimant”). See *In re Account of Michel Grumbach* (approved on 14 May 2002).

existence of a second account belonging to the Account Owners, identified as a savings account, not addressed in the May 2002 Award.

In this decision, the CRT adopts and amends its findings set out in the May 2002 Award based upon the additional information forwarded to the CRT by the Bank.

The May 2002 Award

In the May 2002 Award, the CRT determined that Account Owner Michel Grumbach owned an account of unknown type. The CRT further determined that the Claimant plausibly identified Account Owner Michel Grumbach, that she plausibly demonstrated that she is related to Account Owner Michel Grumbach, and that she made a plausible showing that Account Owner Michel Grumbach was a Victim of Nazi Persecution. The CRT determined that it was plausible that Account Owner Michel Grumbach did not receive the proceeds of the account of unknown type. Finally, the CRT determined that the Bank's records did not indicate the value of the account of unknown type, and therefore presumed that its value was 3,950.00 Swiss Francs ("SF").

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owners as her great-uncle, Michel Grumbach, who was born on 24 December 1879 in Soultz, France, and her great-aunt, Jeanne (Netty) Grumbach, née Güntzburger, who was born on 22 January 1889. The Claimant stated that the Account Owners were married, and that Account Owner Jeanne Grumbach was the sister of the Claimant's maternal grandfather.

The Claimant stated that Michel Grumbach worked as a businessman and resided at 10 Rue du Général Gourand in Guebwiller, France. The Claimant explained that during the Second World War, her great-uncle and great-aunt, and their daughter [REDACTED], who were all Jewish, hid from Nazi forces in Thonon-les-Bains, France. The Claimant stated that Michel Grumbach and his daughter were arrested by the Nazis, interned in Lyon, and deported to Auschwitz, where they perished. According to the Claimant, Jeanne Grumbach survived the Second World War, and died in 1983 in Riehen, Switzerland.

The Claimant submitted copies of: (1) an extract from a French birth register pertaining to her great-uncle, which indicates that Michel Grumbach was born on 24 December 1879 in Soultz, Haut-Rhin, France; (2) an extract from a French death registry pertaining to her great-uncle, dated 14 December 1951, which indicates that he was declared dead as of 5 July 1944, that his wife's name was Jeanne Güntzburger, and that he had resided at Rue Général Gouraud 10 in Guebwiller, France; and (3) the birth certificate of [REDACTED], which indicates that she was the daughter of Michel Grumbach and Jeanne Güntzburger, and that [REDACTED] was declared deceased through deportation as of 30 June 1944.

The Claimant indicated that she was born on 14 February 1943 in Basel, Switzerland.

Information Available in the Bank's Records

As noted in the May 2002 Award, the originally delivered to the CRT consisted of a ledger of accounts held by account owners residing in the Alsace-Lorraine region in France, which indicated the name, and street address of Account Owner Michel Grumbach.

As indicated above, the CRT requested Voluntary Assistance and the Bank provided the CRT with additional documents indicating that the account, previously awarded as an account of unknown type, was in fact a custody account, and further evidencing the existence of a savings account in addition to the account awarded in the May 2002 Award.

The additional Bank's records consist of a power of attorney form, dated 3 December 1930, a card acknowledging receipt of general terms and conditions applying to custody accounts signed by Account Owner Michel Grumbach, as well as a customer card.

According to these records, Account Owner Michel Grumbach was Michel Grumbach, who resided at 10 Rue Général Gouraud in Guebwiller, Haut-Rhin, France, and Account Owner Jeanne Grumbach was his wife, *Frau* (Mrs.) Jeanne Grumbach, née Güntzburger.

These Bank's records indicate that Account Owner Michel Grumbach held a custody account, numbered 36438, over which Jeanne Grumbach held power of attorney. The Bank's records do not indicate when this custody account was closed, to whom it was paid, or the value of the account. 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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. The auditors indicated that there was no evidence of activity on this account after 1945.

These records also indicate that the Account Owners jointly held a savings account, numbered 14055, which was closed in May 1948, unknown by whom. The amount in the savings account on the date of its closure is unknown.

There is no evidence in the Bank's records that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owners.

As indicated in the May 2002 Award, the Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of Account Owner Michel Grumbach. Additionally, the Claimant identified the street address of her great-uncle, which

matches unpublished information about Account Owner Michel Grumbach contained in the Bank's records.

The Claimant also identified Account Owner Jeanne Grumbach's name, as well as the marital relationship between Account Owner Michel Grumbach and Account Owner Jeanne Grumbach, all of which matches unpublished information contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including records of her great-uncle's birth and death, and a birth record of [REDACTED], providing independent verification that the people who are claimed to be the Account Owners had the same names and resided in the same town recorded in the Bank's records as the names and city of residence of the Account Owners.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution.

As detailed in the May 2002 Award, the Claimant stated that Account Owner Michel Grumbach was Jewish and that he was deported to Auschwitz, where he perished. As noted in the May 2002 Award, a person named Michel Grumbach was included in the CRT's database of victims of Nazi persecution. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

Furthermore, the CRT notes that the Claimant indicated that Account Owner Jeanne Grumbach was Jewish, that she was forced into hiding in France during the Second World War, and that her husband and daughter perished in the Holocaust.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners.

As stated in the May 2002 Award, the Claimant has plausibly demonstrated that she is related to Account Owner Michel Grumbach.

For purposes of this Award and Award Amendment, the CRT notes that the Claimant has also plausibly demonstrated that she is related to Account Owner Jeanne Grumbach, by submitting specific biographical information demonstrating that Account Owner Jeanne Grumbach was the Claimant's great-aunt. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT further notes that the Claimant submitted copies of extracts from the birth and death registers pertaining to Michel Grumbach and [REDACTED], which provide independent verification that the Claimant's relatives bore the same family name as the Account Owners, and that they resided in Guebwiller, France. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owners were well

known to the Claimant as family members, and all of this information supports the plausibility that the Claimant is related to the Account Owners, as she has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The CRT previously determined in the May 2002 Award, that it was plausible that neither Account Owner Michel Grumbach nor his heirs received the proceeds of the account of unknown type. In this decision, the CRT determines that the account of unknown type was actually a custody account, which does not affect its disposition. Therefore, the CRT concludes that neither Account Owner Michel Grumbach, the Power of Attorney Holder, nor their heirs received the proceeds of the custody account numbered 36438.

With regard to the savings account numbered 14055, the Bank's records indicate that the account was closed in May 1948, unknown by whom. Given that Account Owner Michel Grumbach perished in Auschwitz; that there is no record of the payment of the Account Owners' account to them; that the Account Owners and their heirs would not have been able to obtain information about their 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 Owners 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 account.

Basis for the Award and Award Amendment

The CRT has determined that an Award and Award Amendment may be made in favor of the Claimant.

The CRT previously determined in the May 2002 Award that the claim is admissible in accordance with Article 18 of the Rules, and that the Claimant plausibly demonstrated that she is related to Account Owner Michel Grumbach.

Additionally, the CRT has determined that the Claimant plausibly demonstrated that Account Owner Jeanne Grumbach was her great-aunt. Finally, the CRT has determined that it is plausible that neither Account Owner Michel Grumbach nor his heirs received the proceeds of the custody account numbered 36438, and that neither the Account Owners, nor their heirs received the proceeds of the savings account numbered 14055.

Amount of the Award

In this case, the Account Owners jointly held one savings account that was not previously awarded in the May 2002 Award.

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 a savings/passbook account was SF 830.00. 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 an award amount of SF 10,375.00 for this account.

Amount of the Award Amendment

As noted above, the May 2002 Award awarded an account of unknown type and value belonging to Account Owner Michel Grumbach. Additional bank records obtained from the Bank indicate that this account was, in fact, a custody 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 ICEP Investigation, in 1945 the average value of a custody account was SF 13,000.00 and the average value of an account of unknown type was SF 3,950.00.

The CRT notes that in the May 2002 Award, the Claimant received an award for the amount of an account of unknown type. Therefore, the amount of SF 3,950.00 used in the May 2002 Award for the awarded account of unknown type is subtracted from the Article 29 value for a custody account, resulting in a difference of SF 9,050.00 (SF 13,000.00 minus SF 3,950.00) that remains to be awarded. 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 an award amendment amount of SF 113,125.00 for this previously awarded account.

Thus, the total Award and Award Amendment amount is SF 123,500.00.

Certification of the Award and Award Amendment

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

Claims Resolution Tribunal
12 May 2009