

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED] and Ernest Michael Grunebaum
represented by Ernest Michael Grunebaum

in re Account of Michael Grunebaum

Claim Numbers: 220700/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED] (the “Account Owner”).¹ This Award is to the unpublished account of Michael Grunebaum (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).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 a Claim Form identifying the Account Owner as her son, Michael Grunebaum, who was born on 26 December 1934 in London, England, and was married to [REDACTED] in the United States. In a telephone conversation with the CRT on 13 February 2003, the Claimant’s son, who is also the Claimant’s representative, stated that his parents resided from 1934 to 1938 in Hamburg, Germany, but that his mother traveled briefly to England for both his, and his sister’s birth in 1934 and 1937, respectively, in order to secure British passports for her children in light of the increasing persecution of Jews in Germany. According to the information provided by the Claimant’s representative, the Claimant’s husband, who was a part owner of a bank known by the name of *Simon Hirschland Bank*, which had its headquarters in Essen, and had a branch in Hamburg where the Claimant’s husband worked. The bank conducted business in Germany and abroad. The Claimant’s representative stated that his father, who was Jewish, was forced by the Nazis to sell his bank, and that in exchange for his cooperation during the *aryanization* of the bank in September 1938, he and his family would be permitted to leave the country. However, according to the information provided by the

¹ The CRT will treat the claim to this account in a separate decision.

Claimant's representative, despite relinquishing his ownership rights in *Simon Hirschland Bank*, his father and the Claimant, who is also Jewish, were not permitted to leave the country. It was not until a few weeks later, when a German politician provided the Claimant and her husband with forged passports, with which the Claimant, her husband, and their two children were permitted to exit Nazi Germany and flee to London, England, during the second week of October in 1938. According to the information provided by the Claimant's representative, he is always called and referred to by his middle name, Michael. The Claimant submitted her own and her sister-in-law's birth certificates, her marriage certificate, and a letter from Nazi authorities to one of the owners of *Simon Hirschland Bank*, dated 28 July 1938, regarding the liquidation of the bank, indicating that any remaining assets were required to be transferred to one of several Nazi bank accounts located in Essen. The Claimant also submitted an extract from a magazine entitled *Tradition: Zeitschrift für Firmengeschichte und Unternehmerbiographie* (Tradition: The Magazine for the History of Companies and Biographies of Entrepreneurs) published in 1957, which contains an essay about the *Simon Hirschland Bank* and its owners, which identifies the Claimant's father by both name and signature.

The Claimant indicated that her husband died on 18 April 1988 in Ferry, New York. The Claimant stated that she was born on 21 October 1910 in Cottbus, Germany. The Claimant is representing [REDACTED], née [REDACTED], who was born on 28 April 1906 in Düsseldorf, Germany, and Ernest Michael Grunebaum, who was born on 26 December 1934 in London.

Information Available in the Bank's Records

The Bank's records consist of a list of account owners and printouts from the Bank's database. According to these records, the Account Owner was Michael Grunebaum. The Bank's records indicate that the Account Owner held one account of unknown type, numbered 32903-7. The Bank's records do not indicate when the account was opened. The account was transferred to a suspense account, which is a grouping of open and dormant accounts, on an unknown date before 1997. The Bank's records indicate that the account had a balance of 772.35 Swiss Francs in 1978, and a balance of 719.85 Swiss Francs on 2 April 1998. The records do not indicate why fees were deducted from the account after it had been suspended. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's son's middle and last names match the unpublished name of the Account Owner. The CRT notes that the Claimant's son, who is her representative, stated that he has always been called by his middle name, Michael. In this case, based on the facts stated in the Claim Form, the CRT believes it is plausible that the parents of the Account Owner opened the account in the name of their son as a means of providing greater security for their funds by placing them in the account of a British citizen. The Claimant's husband was a part owner of the *Simon Hirschland Bank*, where he worked in the Hamburg branch of the bank, and he also conducted business

throughout Germany and abroad. The Claimant's husband was forced by the Nazis to *aryanize* his bank. The Claimant submitted a letter from Nazi authorities to one of the owners of *Simon Hirschland Bank*, dated 28 July 1938, regarding the liquidation of the bank, indicating that any remaining assets were required to be transferred to one of several Nazi bank accounts located in Essen. The CRT concludes that the family had a long history with the Bank and that this history has been fully explained with the independent documentary evidence. The relationship of the family with the Bank has been clearly established.

The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. The CRT further 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 and his family are Jewish, that the bank in which they were part owners was confiscated by the Nazis, that the Account Owner and his family fled Nazi Germany to England in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents, including a family tree, demonstrating that the Account Owner is her son, Michael Grunebaum, who is also the Claimant's representative. As stated above, the Claimant and her representative, the Account Owner, identified the unpublished account of Michael Grunebaum and the CRT has had several conversations with Michael Grunebaum, the Account Owner.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner is her son, and that relationship justifies an Award. Finally, the CRT has determined that the Account Owner has not received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 1978 was 772.35 Swiss Francs. According to Article 29 of the

Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. 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 49,375.00 Swiss Francs.

Division of the Award

The Claimant is representing her son, Ernest Michael Grunebaum, and her sister-in-law, [REDACTED]. In this case, the CRT has determined that the Account Owner is the Claimant's son. Thus, Ernest Michael Grunebaum is entitled to the total award amount.

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
September 30, 2003