

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also representing [REDACTED 2]
represented by Jonathan James Palmer, *Mondex Corporation*

in re Accounts of Paul and Erna Grünholz

Claim Number: 402183/WT

Award Amount: 172,875.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the published accounts of Paul Grünholz (“Account Owner Paul Grünholz”) and Erna Grünholz (“Account Owner Erna Grünholz”) (together the “Account Owners”) at the [REDACTED] (the “Bank”).¹

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 Account Owner Paul Grünholz as her father-in-law, Paul Grunholz (Gruenholz, Grünholz), who was born on 21 April 1877 in Austria and was married to [REDACTED]. The Claimant indicated that Paul Grunholz, who was Jewish, lived in Klosterneuburg, Austria, and that he perished in 1941 during the Second World War. The Claimant also indicated that she was born on 30 June 1923 in Baden, Switzerland, and that she was the widow of Paul Grunholz’s son, [REDACTED].

Information Available in the Bank’s Record

The Bank’s record consists of a customer card. According to this record, the Account Owners were Dr. Paul Grünholz and *Frau* (Mrs.) Erna Grünholz, who resided in Frankfurt, Germany, and Klosterneuburg bei Vienna, Austria.

¹ The CRT notes that, on the List of Account Owners Published in 2005 (the “2005 List”), the name *Frau* (Mrs.) Erna Grünholz is not listed. Upon careful review, the CRT has determined that the accounts were jointly held by Dr. Paul Grünholz and *Frau* Erna Grünholz.

The Bank's record indicates that the Account Owners held one savings/passbook account, numbered 56603, and one custody account, numbered 47308. The Bank's record further indicates that the savings/passbook account was closed on 19 April 1939, and that the custody account was closed on 24 April 1939. The Bank's record does not indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owners or their heirs closed the accounts and received the proceeds themselves.

Information Available from the Austrian State Archive

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of Dr. Paul Grünholz and [REDACTED], née [REDACTED], numbered 45901 and 45958, respectively. These records indicate that Dr. Paul Grünholz, who was Jewish, was born on 21 April 1876, and that he was married to [REDACTED], née [REDACTED], who was born on 3 October 1893. The records indicate that Dr. Paul Grünholz and [REDACTED] lived with her father, [REDACTED], at Agnesstrasse 46B in Vienna XXVI, Klosterneuburg. The records further indicate that Dr. Paul Grünholz owned an interest in rental property at Friedhofgasse 7 in Vienna.

The records indicate that after cash, securities, and jewelry were seized by Nazi authorities from his home, Dr. Paul Grünholz requested permission to sell his interest in the property at Friedhofgasse 7 to an aryan purchaser in order to satisfy atonement tax (*Judenvermögensabgabe*). The records indicate that on 3 November 1939 the sale was approved by the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle* or "VVSt."). The records also indicate that the proceeds from the sale were placed into a blocked account, inaccessible to the seller, and that the buyer had to pay a sum levied for the purchase of Jewish property (*Entjudungserlös*). The file makes no mention of assets held in a Swiss bank account.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owner Paul Grünholz. The Claimant's father-in-law's name matches the published name of Account Owner Paul Grünholz contained in the Bank's record. The Claimant also identified one of Account Owner Paul Grünholz's cities of residence, which matches unpublished information about Account Owner Paul Grünholz contained in the Bank's record.

The CRT notes that the CRT's database of victims contains the name of Paul Grünholz and that this entry is based upon a submission of a Page of Testimony to the Yad Vashem Memorial of Israel by the Claimant on 9 July 1986. The testimony provided by the Claimant at that time

indicates that Paul Grünholz's date of birth was 21 April 1877 and that he lived in Klosterneuburg, Austria. This indicates that the Claimant was aware of this family relationship prior to the publication of Paul Grünholz's name on the list of Swiss bank account owners in 2005. Finally, the CRT notes that there are no other claims to these accounts.

The CRT notes that the Claimant did not identify Account Owner Erna Grünholz and the Account Owners' other city of residence listed in the Bank's record. However, given that Account Owner Erna Grünholz appears to be related to the Claimant, as they share the same surname as the Claimant; that the Claimant's husband is deceased, and thus the Claimant may not have full knowledge about all her husband's family members in Austria and Germany; and that the Claimant identified unpublished information about Account Owner Paul Grünholz, the CRT finds that this does not materially affect the Claimant's identification of Account Owner Paul Grünholz.

Status of Account Owner Paul Grünholz as a Victim of Nazi Persecution

The Claimant has made a plausible showing that Account Owner Paul Grünholz was a Victim of Nazi Persecution. The Claimant stated that Account Owner Paul Grünholz was Jewish, that he resided Nazi-occupied Austria, and that he perished during the Second World War. As noted above, a person named Paul Grünholz was included in the CRT's database of victims, based on a submission of a Page of Testimony to Yad Vashem by the Claimant in 1986. Furthermore, the CRT notes that Account Owner Paul Grünholz was required to declare his assets pursuant to the 1938 Census.

The Claimant's Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to Account Owner Paul Grünholz by submitting specific biographical information, demonstrating that Account Owner Paul Grünholz was the Claimant's father-in-law and represented party [REDACTED 2]'s paternal grandfather. There is no information to indicate that the Account Owners have other surviving heirs.

The CRT notes that the Claimant identified unpublished information about Account Owner Paul Grünholz as contained in the Bank's record, and that the Claimant also identified information which matches information contained in the Yad Vashem records. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that Account Owner Paul Grünholz was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to Account Owner Paul Grünholz, as she has asserted in her Claim Form.

The CRT notes that the Claimant did not indicate whether she is related to Account Owner Erna Grünholz. However, given that the Bank's record indicates that the Account Owners shared the same surname and resided in the same cities, the CRT concludes that it is plausible that the Account Owners were related, and that by plausibly demonstrating that she is related to Account Owner Paul Grünholz, the Claimant has also plausibly demonstrated that she is related to Account Owner Erna Grünholz.

The Issue of Who Received the Proceeds

The Bank's record indicates that the Account Owners held one savings/passbook account, closed on 19 April 1939, and one custody deposit account, closed on 24 April 1939. Given that the Account Owners' accounts were closed after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"); that Nazi confiscatory legislation was in effect at the time the accounts were closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that there is no record of the payment of the Account Owners' accounts to them; that the Account Owners and their heirs would not have been able to obtain information about his accounts 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 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 accounts.

Basis for the Award

The CRT has determined that an Award may be made in favor of represented party [REDACTED 2]. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that Account Owner Paul Grünholz was represented party [REDACTED 2]'s paternal grandfather, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Further, the CRT notes that represented party [REDACTED 2], as Account Owner Paul Grünholz's grandson, has a better entitlement to the accounts than the Claimant, the Account Owner's daughter-in-law.

Amount of the Award

In this case, the Account Owners held one savings/passbook account and one 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 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 savings/passbook account was 830.00 Swiss Francs ("SF"), and the average value of a custody account was SF 13,000.00. Thus, the combined 1945 average value of the two accounts is SF 13,830.00. 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 a total award amount of SF 172,875.00.

Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her son, [REDACTED 2], the grandson of Account Owner Paul Grünholz. Accordingly represented party [REDACTED 2] is entitled to the total award amount. As noted above, Claimant [REDACTED 1], who is only related to Account Owner Paul Grünholz by marriage, is not entitled to share in the award.

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 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
23 April 2007