

# CLAIMS RESOLUTION TRIBUNAL

---

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

## **Certified Award**

to the Estate of Claimant [REDACTED]<sup>1</sup>

## **in re Accounts of Jenny Guttman**

Claim Numbers: 734493/CU<sup>2, 3</sup>

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of Ella Zoltan.<sup>4</sup> This Award is to the published accounts of Jenny Guttman (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>5</sup>

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 an Initial Questionnaire (“IQ”) identifying the Account Owner as his mother, Jenny Esther Guttman, née Stein, who was married to [REDACTED], the Claimant’s father. The Claimant stated that his mother, who was Jewish, resided in Budapest, Hungary, where his father worked as a building constructor, and in Novi Sad, Yugoslavia (now Serbia) at Pavla Simica Ulica 9 and Vosvodjanska Ulica 5.

---

<sup>1</sup> The CRT was informed on 5 February 2007 that [REDACTED] (the “Claimant”) died on 10 December 1999.

<sup>2</sup> The Claimant did not submit a Claim Form to the CRT. However, in 1999 he submitted an Initial Questionnaire (“IQ”), numbered OTH-0003-191, to the Court in the United States. Although this IQ was not a Claim Form, 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 IQ was forwarded to the CRT and has been assigned claim number 734493.

<sup>3</sup> In a separate decision, the CRT awarded the accounts of Ella Zoltan to the Claimant. See *In re Accounts of Ella Zoltan* (approved on 31 August 2007).

<sup>4</sup> The Claimant submitted two additional IQs, numbered OTH-0003-188 and HEB-0213-175, which were also forwarded to the CRT and have been assigned the Claim Numbers 734491 and 719052, respectively. The CRT will treat these claims in separate determinations.

<sup>5</sup> The CRT notes that, on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons (“ICEP”) to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”), the name *Frau* (Mrs.) Jenny Guttman, Alfred Guttman, and Jenny Stein are each published as owning two accounts. Upon careful review, the CRT has concluded that the Bank’s record evidences the existence of only two accounts, both belonging to *Frau* Jenny Guttman.

In support of his claim, the Claimant submitted copies of documents, including: (1) his father's death certificate, indicating that [REDACTED] died on 18 October 1925 in Budapest, and that he was married to Eugenia Stein; and (2) his own birth certificate, issued by the civil registry on 12 December 1941 in Budapest, indicating that [REDACTED] was born on 5 January 1914 and that his parents were [REDACTED], who was a building constructor, and Eugenia Stein, who resided in Budapest. The Claimant's daughter submitted her father's death certificate, indicating that [REDACTED], was born on 5 January 1914, that his parents were Esther Jenny and [REDACTED], and that he died on 13 December 1999 in Haifa, Israel, and her inheritance certificate, indicating that [REDACTED] is the sole heir of [REDACTED]'s estate.

The Claimant indicated that he was born on 5 January 1914 in Novi Sad.

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

The Bank's record consists of a customer card. According to this record, the Account Owner was *Frau* (Mrs.) *Witwe* (Widow) Alfred Guttmann, née Jenny Stein, who resided in Novisad, Yugoslavia. The Bank's record indicates that the Account Owner held one custody account, numbered L43834, and one demand deposit account. With respect to the custody account, the Bank's record indicates it was opened on 15 June 1931 and closed on 25 September 1935.

With respect to the demand deposit account, the Bank's record indicates that it was opened on 10 June 1929. The Bank's record does not show when the account at issue was closed, nor does this record indicate the value of this 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. These auditors indicated that there was no evidence of activity on this account after 1945. There is no evidence in the Bank's record that the Account Owner or her heirs closed the demand deposit account and received the proceeds themselves.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant mother's name, one of the cities and countries of residence, marital status, and spouse's name match the name, city and country of residence, marital status, and spouse's name of the Account Owner.<sup>6</sup> The CRT notes that, but for the name and country of residence, all this information was unpublished. In support of his claim, the Claimant submitted documents, including his father's death certificate and his own birth certificate, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name and city of residence of the Account Owner.

---

<sup>6</sup> The CRT notes that some of the documents submitted by the Claimant indicate that his mother's name was Eugenia, while others indicate that her name was Esther Jenny. The CRT considers that Esther was his mother's Hebrew name, and that Jenny is an alternative form of Eugenia. The CRT therefore concludes that this discrepancy, in light of the other consistencies between the Account Owner and the Claimant's mother, is not substantial.

The CRT notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to his own Swiss bank account, 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”). This indicates that the Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his family 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 other claim to these accounts was disconfirmed because that claimant provided a different country of residence and spouse’s name than the country of residence and spouse’s name of 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 she resided in Budapest, Hungary and in Novi Sad, Yugoslavia during the Second World War.

#### The Claimant’s Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant’s mother, Eugenia (Esther Jenny) Guttmann. The Claimant’s daughter submitted a copy of the Claimant’s death certificate, indicating that [REDACTED] was married to Esther Jenny Stein, and that their son was [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs, other than the Claimant’s daughter, [REDACTED].

#### The Issue of Who Received the Proceeds

With respect to custody account L43834, the Bank’s record indicates that the account was closed on 25 September 1935, prior to the signing of the Tripartite Pact on 25 March 1941, by which Yugoslavia allied itself with Nazi Germany. Consequently, the CRT concludes that the Account Owner was able to access the custody account and receive the proceeds of that account.

With respect to the demand deposit account, given that the Account Owner resided in Nazi-occupied Hungary and Yugoslavia during the Second World War; that there is no record of the payment of the Account Owner’s account to her nor any record of a date of closure of the account; that the Account Owner and her heirs would not have been able to obtain information about his 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 Owner or her 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 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 his mother, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner, nor her heirs received the proceeds of the claimed account.

### Amount of the Award

In this case, the Account Owner held one demand deposit 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 demand deposit account was 2,140.00 Swiss Francs. 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 26,750.00.

### **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 his claim to determine whether there are additional Swiss bank accounts to which he 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  
18 December 2007