

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Max Haendler

Claim Number: 218013/LK¹

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED] (the “Claimant”) to the accounts of Max Haendler (the “Account Owner”) at the Basel branch of the [REDACTED I] (“Bank I”) and the Bern branch of the [REDACTED II] (“Bank II”) (together the “Banks”).

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 three Claim Forms identifying the Account Owner as his father, Max Haendler, who was born on 2 January 1903 in Gleiwitz, Germany, and was married to [REDACTED], née [REDACTED], on 17 May 1938 in Karlsruhe, Germany. The Claimant stated that from 1933 to 1938, his father resided at Neudorferstrasse 9 in Gleiwitz and operated a successful confectionery business. The Claimant further stated that his father, who was Jewish, was arrested at the time of *Kristallnacht* (the Night of Broken Glass pogrom), detained in Buchenwald, and was then forced to flee Germany in 1938. The Claimant explained that his father told him that he was in Buchenwald with his cousin, who had papers that would allow him to flee Germany for Mexico City, Mexico. The Claimant further explained that his father established bank accounts in Switzerland before he left Germany, using an intermediary named [REDACTED] of Karl Schenkstrasse 11, Bern, Switzerland, whom the Claimant recalls his father referring to as an older man of good character. According to the Claimant, his father had a large extended family, who were very close and who helped each other. The Claimant stated that his father may have opened an account with an address in Mexico City, in an effort to assist his cousin who was attempting to flee there, or alternatively, that his cousin may have opened the account under his father’s name. The Claimant further stated that his father was an excellent

¹ The Claimant submitted three Claim Forms, which were registered under the Claim Numbers 218013, 218014, and 218015. The CRT has determined that these claims are duplicate claims and is treating them under the consolidated Claim Number 218013.

businessman who often used intermediaries to help manage his accounts; who believed in keeping money all over the world as a precautionary measure; and who maintained accounts in London, Poland, Germany, and Switzerland. According to the Claimant, after his parents fled Germany in 1938, they went to London, England, then to New York City, the United States, and later to Havana, Cuba, where they lived until they gained lawful, permanent entry to the United States in 1942. The Claimant explained that his father suffered from Alzheimer's disease from approximately 1968 until his death on 19 October 1976 in Baltimore, Maryland, the United States.

The Claimant submitted documents including a notice of transfer of 1,960.41 United States Dollars, equivalent to 8,728.75 Swiss Francs, from Bank II on 21 March 1939, which identified the transfer as being per the instructions of [REDACTED], to the account of Max Haendler, numbered 333470, at the National City Bank of New York, as well as a confirmation for the transfer from the National City Bank of New York, dated 1 April 1939. This notice of transfer shows that Max Haendler at that time resided at 660 Fort Washington Avenue, New York City. The Claimant stated that there were no other records regarding his father's money in Switzerland. The Claimant also believed that his father's intermediary was old and may have since died. In support of his claim, the Claimant also submitted a family tree, his parents' birth, marriage, and death certificates, their wills, and copies of their United States Naturalization Certificates. The Claimant stated that he was his parents' only child, and that he was born on 18 March 1940 in Havana.

Information Available in the Bank Record

The bank record from Bank I consists of an account balance card. According to this record, the Account Owner was Max Haendler of Mexico City, Mexico. The bank record indicates that the Account Owner held a demand deposit account that was transferred to a suspense account on or before 16 October 1941. The balance on the date of the transfer was 42.00 Swiss Francs. The bank record also indicates the account was transferred to another suspense account on 21 August 1943, with the same amount in the account, and that the account remains open and dormant today.

The auditors of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not identify any bank records from Bank II regarding an account held by Max Haendler.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The CRT notes that the bank records indicate that the Account Owner was from Mexico City, Mexico and that the Claimant did not indicate that his father lived in Mexico. However, the Claimant has provided a plausible explanation why his

father may have provided the Bank with this information. In support of his claim, the Claimant submitted several documents indicating his father's name. The CRT notes that there are no other claims to this account.

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, who was Jewish, was detained in Buchenwald until he was forced to flee Germany in 1938.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he was his father.

The Issue of Who Received the Proceeds

With regard to the account at Bank I, the bank records indicate that it remains open and dormant.

With regard to the account at Bank II identified in the Claimant's submissions, those documents show that payments from the Account Owner's account were made to the Account Owner in New York City in 1939 and demonstrate that the Account Owner was able to access the account through his Swiss intermediary. Accordingly, the CRT concludes that it is plausible that the Account Owner has already received the proceeds of his account at Bank II.

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 was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the account at Bank I.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The bank records from Bank I indicate that the value of the account as of 21 August 1943 was 42.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award of the demand deposit account is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules, producing a total of 25,680.00 Swiss Francs.

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
May 15, 2003