

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant John Hegedus

## **in re Account of Zoltan Hegedus**

Claim Number: 202624/RD

Award Amount: 24,610.00 Swiss Francs

This Certified Award is based upon the claim of John Hegedus (the “Claimant”) to the account of Zoltan Hegedus (the “Account Owner”) at the Zurich branch of [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank is redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form and Initial Questionnaire identifying the Account Owner as his father, Zoltan Hegedus, who was born on 12 June 1894 in Nyiregyaza, Hungary, and was married to Anna Hegedus née Molnar on 14 June 1921 in Satu-Mare, Romania. The Claimant stated that he is the son of the Account Owner and that he was born in Satu-Mare, Romania on 21 July 1927. The Claimant submitted further that he had a sister, Agnes Marianne Hegedus, who was born in Satu-Mare, Romania, on 26 March 1922 and perished in the Holocaust. The Claimant explained that his father was a general manager of a lumber business which was partly owned by a Swiss firm. The company was situated in Bixad, Romania (later known as Bikszad, Hungary). The Claimant stated that his father traveled for business to Zurich several times between 1937 and 1942. The Claimant stated that his father lived in Bixad, Romania until 1944, when he was deported to a concentration camp and subsequently perished in May 1945. In a telephone conversation with the Tribunal, the Claimant stated that he left Romania in October 1947 and arrived in the United States of America on 15 September 1949 via Hungary, Italy and Switzerland. The Claimant further stated that he made no contact with any Swiss bank because although he knew of the existence of a Swiss bank account, he did not know at which bank this account was held. The Claimant also explained that his mother immigrated to Israel from Romania in 1949 and in 1952 immigrated to Canada, where she died in 1979. The Claimant also stated that he was deported to several concentration camps and that he is the only living child of Zoltan Hegedus.

## **Information Available in the Bank Records**

The bank records consist of an account registry card. According to this record, the sole Account Owner was Director Zoltan Hegedus of Baja Biacsad, Romania. The bank record indicates that the Account Owner held a demand deposit account, which was opened in July 1935 and was closed on 20 June 1948. The bank record does not show to whom the account at issue was paid, nor does it indicate the value of this account.

## **The Tribunal'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 Claimant has provided his father's address before and during the Second World War, which matches unpublished information about the Account Owner contained in the bank documents. Furthermore, the claimant stated that his father was a general manager of a business in Romania, which matches the unpublished title of the Account Owner contained in the bank records. In support of his claim, the Claimant submitted documents, including copies of his passport and his certificate of naturalization in the United States.

### 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. He further stated that his father lived in Bixad, Romania (later known as Bikszad, Hungary) during the Second World War and was deported to a concentration camp and subsequently perished in 1945.

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

The Claimant has plausibly demonstrated that he is the son of the Account Owner. As well as providing general historical family information and specific information about the Account Owner, he also provided a detailed family tree illustrating exactly how he is linked to the Account Owner. There is no information to indicate that the Account Owner has other surviving heirs. The credibility of other information provided by the Claimant gives the Tribunal no basis to question the veracity of this information concerning his relationship to the Account Owner.

### The Issue of Who Received the Proceeds

Since the Claimant would not be entitled to an award if the account at issue was paid to the Account Owner or his heirs, the Tribunal must consider the question of what happened to the funds in this case.

The historical evidence developed by the Independent Committee of Eminent Persons during its investigation of Swiss banks (the "ICEP Investigation") demonstrates that the funds of Nazi victims in Swiss banks were disposed of in various ways. In some cases, the account owners and/or their families withdrew and received the funds. In other cases, Nazi authorities coerced account owners to withdraw the balances in their Swiss accounts and transfer the proceeds to banks designated by the Nazi authorities, and the funds fell into Nazi hands. For other accounts,

no transfers occurred, but account values were consumed by regular and special bank fees and charges, which resulted ultimately in closure without any payment to the account owners. In still other cases, particularly after a period of inactivity or dormancy, the proceeds were paid to bank profits. Thus, since the funds in this case apparently were not paid to the Account Owner, or his family, there is a substantial likelihood that these funds went to Bank.

Although the Tribunal cannot determine with certainty who received the proceeds of the account, the Tribunal concludes that it is plausible that neither the Account Owner nor his heirs received the proceeds. Specifically, as noted previously, the account at issue was closed on 20 June 1948. The Claimant's assertion that his father was deported to a concentration camp and perished in approximately May 1945 supports the conclusion that the Account Owner could not have received any of the funds at the time of the account's closure. The Tribunal also notes that it would have been extremely difficult and dangerous for the Account Owner's wife to access her husband's account because she was living in Romania, which was part of Communist Eastern Europe, until 1949, and there is no evidence of such access. In addition, the Claimant's assertion that he did not contact any Swiss bank after the war, supports the conclusion that the Account Owner's heirs did not access the account. Moreover, there is no evidence in the bank records suggesting that the Account Owner or his heirs closed the account and received the proceeds themselves.

#### Basis for the Award

The Tribunal 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 23 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, the Tribunal has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

Pursuant to Article 35 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 present 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 present value of this amount is calculated by multiplying it by a factor of 11.5, in accordance with Article 37(1) of the Rules, to produce a total award amount of 24,610.00 Swiss Francs.

In cases where the value of an account is based on the presumptions of Article 35 of the Rules, or where the Tribunal has determined that an account may be subject to later competing valid claims, claimants shall receive an initial payment of 35% of the total award amount. After all claims are processed, subject to approval by the Court, claimants may receive a subsequent payment of up to the remaining 65% of the total award amount. In this case, the value of the account at issue is based on the Article 35 presumptions. In this instance, 35% of the total award amount is 8,613.50 Swiss Francs.

### Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the Tribunal 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

At this point in the Claims Resolution Process, the Tribunal has identified a number of cases in which a particular claimant has made out a plausible case for entitlement to an award, but at this stage it is not possible for the Tribunal to have clear assurance that no additional claimants to the same account will be forthcoming. Articles 37(3)(a) and (b) of the Rules provide that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, and/or the Tribunal determines that an account may be subject to later competing claims, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. Thus, the Rules instruct and require the Tribunal to certify and recommend an initial 35% payment in awards submitted for Court approval in particular cases where either the Tribunal has used the value presumptions of Article 35 or it has determined that the account may be subject to later competing claims, or both.

In this case, the Tribunal has used the value presumptions of Article 35 of the Rules to calculate the account value. On this basis, the Tribunal certifies this Award for approval by the Court and for payment by the Special Masters in accordance with Article 37(3) of the Rules.

09 May 2022  
Date

Dov Rubinstein  
Dov Rubinstein  
Resident Claims Judge