

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Frank Ehrmann

in re Account of Hans Max Heimann and Fritz Heimann

Claim Number: 217141/AH; 217142/AH

Award Amount: 94,800.00 Swiss Francs

This Certified Award is based upon the claim of Frank Ehrmann (the “Claimant”) to the accounts of Hans Max Heimann (“Account Owner Hans Max Heimann”) at the Basel branch of the [REDACTED] (the “Bank”) and to the account of Fritz Heimann (“Account Owner Fritz Heimann”) at the Lucerne branch of the Bank.

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 Hans Max Heimann as his maternal grandfather, who was born on 1 March 1864, in Berlin, Germany to Louis Heimann and Adelheid Heimann, née Heiman. The Claimant submitted a second Claim Form identifying Account Owner Fritz Heimann as his maternal uncle, who was born on 4 February 1909, in Berlin, Germany. The Claimant submitted a document describing each of his family members’ biographies, which indicated that his grandfather was an engineer and later became a patent attorney with a successful law firm in Berlin. According to this document, in 1902, the Claimant’s grandfather married Dora Flies, a daughter of a wealthy broker, and the couple lived in Berlin, at 36 Kaiserdamm, and had three children: Account Owner Fritz Heimann; the Claimant’s mother, Marlene (Marli) Ehrmann, née Heimann, who was born on 12 December 1904, in Berlin and died on 25 October 1982, in Santa Barbara, California, United States; and Adelheid (Heidi) Heimann, who was born on 27 June 1904 in Berlin and died on 24 April 1993, in London, England. The Claimant stated that neither his uncle nor his aunt were ever married. The Claimant stated that after the rise to power of the Nazi party, his grandparents were forced to sell their apartment and belongings in order to survive; they also attempted to flee Germany, but were deported on 9 October 1942 to Theresienstadt, where they were both killed. The Claimant also stated that his grandparents spent many vacations in Switzerland, and that his mother studied there for a brief period of time. The Claimant further indicated that his uncle, who was a law student in Berlin, escaped Germany in 1933 and moved to Prague where he continued his studies and joined an anti-Nazi movement, and later immigrated to Belgium, and then to France. Following the occupation of France, he stayed at a refugee camp in the Pyrenees, France, where

he tried to get a visa to the United States, but was discovered by the Nazis and deported to Auschwitz, where he was killed. The Claimant further stated that the last communication from the Claimant's uncle was a postcard he sent from Marseille on June 1941, in which he told his family that he received the visa, but was refused entry into the United States until he was able to submit a free-travel permit, which he could not obtain, because he was Jewish.

The Claimant submitted a telegram from the United Restitution Office in London, confirming that on 7 September 1942 his uncle was deported from Drancy, France, to Auschwitz, where he was killed. The Claimant provided pages of testimony from the Yad Vashem Memorial of Israel, regarding Hans and Fritz Heimann, which state that Hans Heimann of Berlin was sent to Theresienstadt in early October 1942, where he later committed suicide on 9 October 1942; and that Fritz Heimann was sent to Auschwitz after having been interned in the South of France. The Claimant also submitted his mother's and aunt's death certificates, indicating his grandparents' names; a section of his aunt's will; and an affidavit by his cousin, confirming that the Claimant was the only son of his parents.

The Claimant indicated that except for his grandfather's brothers' descendants, he was his grandfather's and uncle's only surviving heir. The Claimant stated that his mother escaped from Germany to Chicago, United States, where the Claimant was born on 16 April 1942.

Information Available in the Bank Records

The bank records of Account Owner Hans Max Heimann consist of printouts from the Bank's database. According to these records, the Account Owner was Hans Max Heimann. The bank records indicate that the Account Owner held an account of an unknown type at the Basel branch of the Bank, and that the account was suspended on an unknown date. The amount in the account on 28 February 1977 was 2.65 Swiss Francs. The account remains open and dormant.

The bank records of Account Owner Fritz Heimann consist of printouts from the Bank's database. According to these records, the Account Owner was Fritz Heimann. The bank records indicate that the Account Owner held an account of an unknown type at the Lucerne branch of the Bank, and that the account was suspended on an unknown date. The amount in the account on 17 May 1984 was 46.65 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owners. His grandfather's name matches the published name of the Account Owner Hans Max Heimann and his uncle's name matches the published name of the Account Owner Fritz Heimann. The Claimant provided detailed information about his grandfather and his uncle, their addresses and their whereabouts during the Second World War. The CRT notes that the bank records for both accounts do not contain any specific information about the Account Owners other than their names. The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Hans Heimann, from Berlin, and indicates that he was married, and that he died in 1942 at the age of

78, which matches the information about the Account Owner provided by the Claimant. The database also contains the name of Fritz Heimann who resided in Berlin, Germany and was deported in 1942. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that with respect to Account Owner Fritz Heimann, there are no other claimants to the account; and with respect to Account Owner Hans Max Heimann, other claims to the account were disconfirmed due to inconsistencies in the names provided by other claimants.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that Account Owner Hans Max Heimann and his wife were deported on 9 October 1942 to Theresienstadt, where they were both killed. The Claimant also submitted a telegram from the United Restitution Office in London, confirming that on 7 September 1942 Account Owner Fritz Heimann was deported from Drancy, France to Auschwitz, where he was killed. As noted above, persons named Hans Heimann and Fritz Heimann were included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the grandson of Account Owner Hans Max Heimann and the nephew of Account Owner Fritz Heimann. The Claimant submitted his mother's and aunt's death certificates, indicating his grandparents' names; a section of his aunt's will; and an affidavit by his cousin confirming that the Claimant was the only son of his parents. The Claimant also provided detailed biographical information about the Account Owners; a family tree prepared by his family; a family document which provides a detailed account of the biographies of each of his family members; and pages of testimony from the Yad Vashem Memorial of Israel, regarding Hans and Fritz Heimann, which state that Hans Heimann of Berlin was sent to Theresienstadt in early October 1942, where he later committed suicide on 9 October 1942; and that Fritz Heimann was sent to Auschwitz after having been interned in the South of France.

The Issue of Who Received the Proceeds

The bank records indicate that the Bank transferred both accounts to suspense accounts, and they remain 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. Second, the Claimant has plausibly demonstrated that Account Owner Hans Max Heimann was his grandfather and that Account Owner Fritz Heimann was his uncle, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the claimed accounts.

Amount of the Award

In this case, Account Owner Hans Max Heimann held one account of an unknown type and Account Owner Fritz Heimann held one account of an unknown type. The bank records indicate that the value of the account of Account Owner Hans Max Heimann, as of 28 February 1977, was 2.65 Swiss Francs. According to Article 29 of the Rules, if the amount in an unknown account 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. With respect to the account of Account Owner Fritz Heimann, the bank records indicate that the value of the account, as of 17 May 1984, was 46.65 Swiss Francs. According to Article 29 of the Rules, if the amount in an unknown account 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 present value of the amount of the award 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, to produce a total award amount of 94,800.00 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 for payment by the Special Masters.

Claims Resolution Tribunal
April 21, 2003