

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1], née [REDACTED]
also acting on behalf of [REDACTED 2] and [REDACTED 3], née [REDACTED]

in re Account of Ernst Heinemann

Claim Number: 501747/SU

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the published account of Ernst Heinemann (the “Account Owner”), over which Irene Heinemann (the “Power of Attorney Holder”) held power of attorney, at the Zurich branch of the [REDACTED] (the “Bank”).

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her father, Ernst Heinemann, who was born on 14 September 1878 in Bielefeld, Germany, and was married to Irene Rosenbaum on 6 April 1913 in Kassel, Germany. The Claimant indicated that her parents, who were Jewish, fled their home in Magdeburg, Germany for Palma de Mallorca, Spain, in 1933 in an effort to escape Nazi persecution. The Claimant further indicated that her parents resided at Calle de la Bonanova 82 in Palma de Mallorca. According to the Claimant, her parents could not remain on Mallorca and could not obtain visas to leave the island for any other country, but refused to return to Nazi Germany. They therefore committed suicide on 24 July 1940.

In support of her claim, the Claimant submitted documents, including: (1) the last will and testament of Irene Heinemann, née Rosenbaum, dated 17 June 1936 and stamped in Palma de Mallorca, indicating that her husband was Ernst Heinemann, that they resided in Palma de Mallorca, and identifying her daughters, [REDACTED 1] and [REDACTED], as heirs of her estate in equal shares, and (2) the death certificate of [REDACTED], née [REDACTED], indicating that she was born in Magdeburg and died on 27 March 2003 in Huntington, New York, the United States.

The Claimant indicated that she was born on 11 March 1914 in Magdeburg, Germany. The Claimant is representing her children, [REDACTED 2], who was born on 30 January 1947 in Berlin, Germany, and [REDACTED 3], née [REDACTED], who was born on 20 February 1942 in New York, New York, the United States.

Information Available in the Bank's Records

The Bank's records consist of a Power of Attorney form, dated 8 March 1938; a signature card bearing the signatures of the Account Owner and the Power of Attorney Holder; account statements; lists of accounts held at the bank; internal bank correspondence; excerpts from the Bank's ledger; and an account closing form. According to these records, the Account Owner was Ernst Heinemann and the Power of Attorney Holder was Irene Heinemann, the Account Owner's wife, both of whom resided at Calle de Bonanova 82, Palma de Mallorca. According to a handwritten note on the Bank's signature card, the Account Owner died on 23 July 1940. The Bank's statements include a notation of "*Ohne Abschluss*" (without closure).

The Bank's records indicate that the Account Owner held a demand deposit account, numbered 385076. The Bank's records also indicate that the balance in the account as of 31 December 1948 was 485.00 Swiss Francs ("SF"), which was consistently depleted by bank fees until its closure in May 1988 with an ending balance of SF 29.00. According to a letter by the Bank to the Account Owner's file on 13 July 1988, the Bank closed the account due to inactivity. There is no evidence in the Bank's records that the Account Owner, the Power of Attorney Holder, or their heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owners

The Claimant has plausibly identified the Account Owner. The Claimant's father's and mother's names and city and country of residence match the published names and city and country of residence of the Account Owner and the Power of Attorney Holder. The Claimant indicated that her father committed suicide in July 1940, which matches unpublished information about the Account Owner contained in the Bank's records. Additionally, the Claimant identified the Account Owner's date of death, the relationship between the Account Owner and the Power of Attorney Holder, and the street address of the Account Owner and Power of Attorney Holder, which match unpublished information about the Account Owner and Power of Attorney Holder contained in the Bank's records.

In support of her claim, the Claimant submitted documents, including the last will and testament of Irene Heinemann, née Rosenbaum, dated 17 June 1936 and stamped in Palma de Mallorca, indicating that her husband was Ernst Heinemann and that they resided in Palma de Mallorca, providing independent verification that the persons who are claimed to be the Account Owner and Power of Attorney Holder had the same names, the same marital relationship, and resided in the same city recorded in the Bank's records as the names, marital relationship, and city of residence of the Account Owner and Power of Attorney Holder.

The CRT notes that the other claims to this account were disconfirmed because these claimants provided a different country of residence and date of death than the country of residence and date of death 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 fled Germany with his wife in 1933 for Palma de Mallorca to escape Nazi persecution. The Claimant indicated that the Account Owner and his wife, the Power of Attorney Holder, committed suicide in 1940 because they failed to receive a visa to leave Spain and refused to return to Nazi Germany.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information and documents, demonstrating that the Account Owner was her father. These documents include the last will and testament of Irene Heinemann, née Rosenbaum, dated 17 June 1936 and stamped in Palma de Mallorca, indicating that her husband was Ernst Heinemann, that they resided in Palma de Mallorca, and identifying her daughters, [REDACTED 1] and [REDACTED]. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was closed in May 1988 with a final balance of SF 29.00. According to a letter by the Bank to the Account Owner's file on 13 July 1988, the Bank closed the account due to inactivity.

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 her father, and that relationship justifies an Award. Third, the CRT has determined that the Account Owner, the Power of Attorney Holder, and their heirs did not receive the proceeds of the claimed account.

Further, the CRT notes that the Claimant, as the Account Owner's daughter, has better entitlement to the account than the represented parties, [REDACTED 2] and [REDACTED 3], née [REDACTED], the Claimant's children and the Account Owner's grandchildren.

Amount of the Award

In this case, the Account Owner held a demand deposit account. The Bank's records indicate that the value of the account as of 31 December 1948 was SF 485.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1948. There was no interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is SF 545.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. The current value of the amount of

the award is determined by multiplying the balance as determined by Article 29 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.

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 two children, [REDACTED 2] and [REDACTED 3], née [REDACTED]. The Claimant, who is the daughter of the Account Owner, is more closely related to him than her children, who are the grandchildren of the Account Owner. Accordingly, the Claimant is entitled to the total award amount. As noted above, represented parties [REDACTED 2] and [REDACTED 3], née [REDACTED], are 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 she 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
30 May 2007