

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Helena Heller

Claim Number: 214794/MBC

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Helena Gebel, née Heller, (the “Account Owner”) at the Biel Branch of the [REDACTED] (the “Bank”).

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 a Claim Form identifying the Account Owner as his mother, Helena Gebel, née Heller, who was born on 1 June 1906 in Krakow, Poland, and was married on 15 July 1935 in Niemirow, Poland, to [REDACTED], who was born on 31 October 1897 in Gorlice, Poland. The Claimant stated that he is the couple’s only child. According to the information provided by the Claimant, his mother, who was Jewish, was a German scholar and lived in several cities in Poland, including Gorlice, Przemysl and Bydeoszcz. The Claimant stated that his parents were able to survive Nazi persecution during the Second World War by hiding in Przemysl. According to the information provided by the Claimant, his mother moved to Lodz, Poland, in 1951 after the death of her husband. The Claimant stated that his mother died on 17 December 1991 in Lodz. In support of his claim, the Claimant submitted copies of his father’s death certificate and his own birth certificate, which indicates that his mother was Helena Gebel, née Heller. The Claimant indicated that he was born on 12 January 1940 in Przemysl.

Information Available in the Bank’s Records

The Bank’s records consist of printouts from the Bank’s database dated 20 October 1998. According to these records, the Account Owner was Helena Heller. The Bank’s records do not indicate the country of residence nor the nationality of the Account Owner. The Bank’s records indicate that the Account Owner held one account of unknown type numbered 70706. The

account was transferred on 25 November 1986 to a suspense account. The amount in the account on the date of its transfer was 181.65 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's first and maiden names match the published name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than her name. In addition, the CRT notes that in support of his claim, the Claimant submitted documents, including his birth certificate, which indicates that his mother was Helena Gebel, née Heller. The CRT further notes that the name Helena Heller appears only once 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"). Finally, the CRT notes that there are no other claims to this account. Taking all of these factors into account, the CRT concludes that the Claimant has plausibly identified 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 survived Nazi persecution during the Second World War by hiding.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including his birth certificate, demonstrating that she was his mother.

The Issue of Who Received the Proceeds

The Bank's records indicate the account was transferred to a suspense account, and it remains 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 Governing the Claims Resolution Process, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of the account as of 25 November 1986 was 181.65 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown 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 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 49,375.00 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
September 30, 2003