

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Account of N. Herzog

Claim Number: 500093/ES

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the accounts of Nandor Herzog and [REDACTED].¹ This Award is to the published account of N. Herzog (the “Account Owner”) at the Lugano branch of the [REDACTED] (the “Bank”).

All awards are published, but where a claimant has not signed the claim form, 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 her father, Nandor (Ferdinand) Herzog, who was born on 17 April 1907 in Trnava, Czechoslovakia (now Slovakia), to [REDACTED] and [REDACTED], née [REDACTED], and who was married to [REDACTED], née [REDACTED], on 19 January 1938 in Sahy, Czechoslovakia. The Claimant stated that her father, who was Jewish, was a businessman who, together with his father [REDACTED], owned a retail and wholesale clothing shop. The Claimant indicated that on 4 November 1944 her father was shot by Hungarian Nazis on the street in Budapest, Hungary. The Claimant also stated that her two sisters, [REDACTED] and [REDACTED], were killed in Auschwitz. The Claimant stated that her mother remarried in 1946 or 1947.

In support of her claim, the Claimant submitted a detailed family tree, a copy of an inheritance ruling from Trnava, Czechoslovakia, stating that her father was Ferdinand Herzog, that her grandfather was [REDACTED], and that she is their only legal heir; and a copy of her birth certificate, indicating her father was Nandor Herzog. The Claimant indicated that she was born on 20 October 1942 in Budapest. The Claimant is representing

¹ The CRT did not locate an account belonging to Nandor Herzog or [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

her mother, [REDACTED 2] (formerly [REDACTED]), née [REDACTED], who was born on 28 July 1916.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was N. Herzog. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates the Account Owner held an account, the type of which is not recorded.

The Bank's record shows that the account was transferred to a suspense account for dormant assets, but does not indicate an accurate date of transfer.² The Bank's record indicates that as of 19 March 1998, the amount in the account was 1,044.60 Swiss Francs. The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's father's first name initial and last name match the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than the Account Owner's first name initial and last name. In support of her claim, the Claimant submitted a copy of her birth certificate, indicating that her father was Nandor Herzog.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Nandor Herzog, and indicates that his date of birth was 1 January 1906, his place of birth was Trnava, Czechoslovakia, and his date of death was 31 December 1944, which is substantially similar to the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT further notes that the name N. Herzog appears only once on the February 2001 published list of accounts determined by the auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") to be probably 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.

² The CRT did not locate an account belonging to Nandor Herzog or [REDACTED] in the Account History Database prepared pursuant to the investigation of the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), which identified accounts probably or possibly belonging to Victims of Nazi Persecution, as defined in the Rules. The Claimant should be aware that the CRT will carry out further research on her claim to determine whether an award may be made based upon the information provided by the Claimant or upon information from other sources.

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 he was shot by the Hungarian Fascists.

As noted above, a person named Nandor Herzog was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a copy of her birth certificate, indicating her father was Nandor Herzog. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to the Bank's suspense account, where it remains.

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 her father, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor his 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 record indicates that the value of the account was 1,044.60 Swiss Francs as of 19 March 1998. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 905.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1 January 1945 and 19 March 1998. Consequently, the adjusted balance of the account at issue is 1,949.60 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 this amount 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.

Division of the Award

According to Article 23(1)(b) of the Rules, if the Account Owner's spouse and descendants have submitted a claim, the spouse shall receive one-half of the account and any descendants who have submitted a claim shall receive the other half in equal shares by representation. In this case, the Claimant is representing her mother, [REDACTED 2] (formerly

[REDACTED]), née [REDACTED]. Accordingly, the Claimant and her mother are each entitled to one-half of the total award amount.

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
29 June 2004