

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]<sup>1</sup>  
represented by [REDACTED]

**in re Account of Albert Hess**

Claim Number: 500209/PY

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of Albert Hess (the “Account Owner”) at the Solothurn 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 her father, Albert Hess, who was born on 28 April 1879, in Rotenburg am Fulda, Germany, and was married to [REDACTED], née [REDACTED], on 19 March 1909, in Kassel, Germany. The Claimant stated that her parents, who were Jewish, had two children: [REDACTED] and the Claimant. The Claimant further stated that her family resided in Kassel at Murhardstrasse 3 until 1933. According to the Claimant, her father owned a bank named *Fiorino & Sichel* in Kassel. The Claimant indicated that her father travelled often to Switzerland for vacation. The Claimant explained that after the Nazis came to power in Germany in 1933, her father was forced to close the bank, and that her family moved to a smaller place at Murhardstrasse 1 in Kassel. The Claimant further explained that she fled Germany in 1937 to the United States, but that her parents remained at their home in Kassel until 1939, when they were sent to a ghetto located on Hardenbergstrasse in Kassel. The Claimant stated that her father was deported to the Buchenwald concentration camp in 1940, where he was interned until 1941. According to the Claimant, her father was released from Buchenwald with the help of an American congressman, and fled with his wife to the United States via Portugal. The Claimant indicated that her father

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<sup>1</sup> The CRT previously issued a Certified Award to the Claimant to the accounts of [REDACTED] & [REDACTED] (approved by the Court on 14 May 2003).

died on 12 May 1949 in Binghamton, New York. The Claimant also indicated that her brother perished in Auschwitz in 1942, and that her mother died in Binghamton on 9 March 1972.

In support of her claim, the Claimant submitted her parents' marriage certificate; her birth certificate, which indicates that she was born in Kassel to Albert and [REDACTED] Hess; her parents' death certificates; a certificate from Nazi financial authorities relating to Albert and [REDACTED]'s personal property, which they requested to take out of Germany; a copy of her parents' ticket for passage from Portugal to the United States; her parents' declarations of intention to seek American citizenship; and their petitions for naturalization, which indicate that their children were [REDACTED] and [REDACTED]. The Claimant indicated that she was born on 1 April 1915 in Kassel.

### **Information Available in the Bank's Record**

The Bank's record consists of a list of savings accounts that were transferred to a suspense account in 1938. According to this record, the Account Owner was Albert Hess. The Bank's record indicates that the Account Owner held a savings/passbook account, numbered 6413. The Bank's record further indicates that there had been no activity on this account since 1934, and the account was transferred in 1938 to a suspense account for dormant assets. The Bank's record also indicates that the account was transferred a second time to the Bank's suspense account on 10 June 1952, at which time the amount in the account was 65.00 Swiss Francs. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") indicated that the account remains in the Bank's suspense account.

### **The CRT's Analysis**

#### Identification of the Account Owner

The Claimant's father's name matches the published name of the Account Owner. In support of her claim, the Claimant submitted numerous documents, including her parents' marriage certificate; her birth certificate, which indicates that her father was Albert Hess; a Nazi certificate regarding her parents' personal property; and her parents' petitions for naturalisation as United States citizens, indicating that their children were [REDACTED] (the Claimant) and [REDACTED]. The CRT notes that the Claimant was previously awarded the account of her mother and brother, the Account Owner's wife and son, respectively, based on the Claimant's identification of unpublished information about her mother and brother. In that award, the Claimant identified her mother's unpublished name and her brother's country of residence between 1937 and 1939, which matched unpublished information about the time period during which her brother held the account at issue from his residence in Italy. The Claimant's ability to provide unpublished information on her relationship to her mother and brother and of Account Owner's relationship to them supports the Claimant's identification of Albert Hess as the Account Owner. The CRT further notes that the name Albert Hess appears only once on the February 2001 published list of accounts determined by the ICEP to be probably or possibly

those of Nazi persecution. 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, that he was interned in a ghetto and subsequently in the Buchenwald concentration camp, and that he was forced to flee Germany to the United States.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting numerous documents, including her birth certificate, which indicates that Albert Hess was her father. There is no information to indicate that the Account Owner has other surviving heirs.

#### The Issue of Who Received the Proceeds

According to the ICEP Investigation, the account remains in the Bank's suspense account.

#### 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. Finally, 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 savings/passbook account. The Bank's records indicate that the value of the account at issue was 65.00 Swiss Francs as of 10 June 1952. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 10,375.00 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 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  
22 December 2003