

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the Estate of Claimant [REDACTED]

in re Account of Alfred Hess

Claim Number: 203930/HB

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (“the Claimant”) to the account of Gustav Hess.¹ This Award is to the published account of Alfred Hess (the “Account Owner”) at the Zurich-Altstetten branch of the [REDACTED] (the “Bank”).²

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 brother, Alfred Hess, who was born on 4 January 1923 in Oberasphe, Germany. According to the Claimant, his brother, who was Jewish, resided at Muhleweg 10 in Oberasphe, and his parents were [REDACTED] and [REDACTED]. The Claimant indicated that in 1940, his brother, together with his family, moved to Frankfurt, Germany, where they remained until 1942, when they were deported to Theresienstadt. The Claimant stated that his brother perished in the Holocaust in 1943.

The Claimant submitted copies of: (1) his birth certificate, issued on 14 December 1995 in Battenberg, Germany, indicating that [REDACTED] was born on 6 December 1930 in Oberasphe, and that his parents were [REDACTED] and [REDACTED], née [REDACTED]; and (2) his marriage certificate, indicating that [REDACTED] and [REDACTED] were married

¹ In a separate decision, the CRT treated the Claimant’s claim to the account of Gustav Hess. See *In re Account of Gustav Hess* (approved on 24 April 2007). The CRT notes that Claimant [REDACTED] passed away on 17 September 2000.

² The CRT notes that 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”), the name Alfred Hess appears twice. Upon careful review, the CRT has determined that the second Alfred Hess is not the same person addressed in the current decision and, consequently, the Claimants did not identify this other account owner as their relative.

on 11 February 1984. After filing an Initial Questionnaire (“IQ”) with the Court in 1999, the Claimant passed away on 17 September 2000. The Claimant’s widow signed his claim form and submitted her husband’s death certificate, indicating that [REDACTED] passed away on 17 September 2000 and her husband’s will, indicating that his wife [REDACTED] and his two children, [REDACTED] and [REDACTED], are each entitled to one-third of any residual assets of [REDACTED]’s estate.

The Claimant previously submitted an Initial Questionnaire to the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself.³

Information Available in the Bank’s Records

The Bank’s records consist of a list accounts and printouts from the Bank’s database. According to these records, the Account Owner was Alfred Hess. The Bank’s records do not indicate the Account Owner’s domicile. The Bank’s records indicate that the Account Owner held one savings/ passbook account, numbered 6278. According to the Bank’s record, on 10 May 1977, the account was transferred to a collective account, at which time it had a balance of 177.60.00 Swiss Francs (“SF”). The account remains open and dormant.

The CRT’s Analysis

Identification of the Account Owner

The Claimant’s brother’s name matches 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 his name. Additionally, the CRT notes that the CRT’s database of victims contains the name of Alfred Hess, and that this entry is based upon a submission of a Page of Testimony to the Yad Vashem Memorial of Israel by the Claimant’s sister, [REDACTED], née [REDACTED], on 1 January 1990. The Page of Testimony submitted by the Claimant’s sister indicates that Alfred Hess was born on 4 January 1924 in Oberasphe,⁴ that he resided in Frankfurt before the Second World War, that his parents were [REDACTED] and [REDACTED], and that he was deported to an extermination camp in Poland, where he perished in approximately 1942. The CRT further notes that the Claimant filed an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by himself, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the “ICEP List”). This indicates that the

³ The CRT did not locate an account belonging to Werner Hess 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 Governing the Claims Resolution Process, as amended (the “Rules”).

⁴ The CRT notes that the Claimant indicated that his brother was born on 4 January 1923. However, the Claimant’s sister indicated in the Page of Testimony that Alfred Hess was born on 4 January 1924. Upon careful review of the additional information provided by the Claimant and his sister, the CRT determines that this discrepancy does not materially affect the Claimant’s identification of the Account Owner.

Claimant has based his present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as his relative, but rather on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant.

The CRT notes that the other claim to this account was disconfirmed because that claimant indicated that the claimed account owner had a different family name during the Second World War. 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, resided in Nazi Germany, and perished in the Holocaust. As noted above, a person named Alfred Hess was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was his brother. The CRT notes that, according to the Page of Testimony, the Claimant has another sibling who was alive in 1990. However, because she is not represented in the Claimant's claim, the CRT will not treat her potential entitlement to the Account Owner's account in this decision.

The CRT further notes that the Claimant identified information which matches information contained in the Yad Vashem records, and that the Claimant submitted a copy of his birth certificate, which provides independent verification that the Claimant's relatives bore the same family name as the Account Owner and that they resided in Oberasphe. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to the Claimant as a family member, and all of this information supports the plausibility that the Claimant is related to the Account Owner, as he has asserted in her Claim Form.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was transferred to a collective account on 10 May 1977, where 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. Second, the Claimant has plausibly demonstrated that the Account Owner was his brother, 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 savings/ passbook account. The Bank's records indicate that the value of the savings/ passbook account as of 10 May 1977 was SF 177.60. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 495.00, which reflects standardized bank fees charged to the savings/ passbook account between 1945 and 1977. Consequently, the adjusted balance of the account at issue is SF 672.60. According to Article 29 of the Rules, if the amount in a savings/ passbook was less than SF 830.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 830.00. 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 10,375.00.

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 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
19 December 2007