

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
represented by [REDACTED]

in re Accounts of Therese Hess and Walter H. Hess

Claim Number: 500209/ME

Award Amount: 35,640.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the unpublished account of Therese Hess (“Account Owner Therese Hess”) at the [REDACTED I] (“Bank I”) and the published accounts of Walter H. Hess (“Account Owner Walter Hess”) at the [REDACTED II] (“Bank II”)(together “the Account Owners”) at the [REDACTED III] (“Bank III”).

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 Account Owner Therese Hess as her mother, Margarete Therese Hess, née [REDACTED], who was born on 4 February 1888 in Kassel, Germany, and was married to [REDACTED] on 19 March 1909 in Kassel. The Claimant further stated that her parents had two children: Account Owner Walter Herman Hess and the Claimant. The Claimant indicated that her mother did not work and that her father was a banker, who purchased a private bank in 1920 known by the name of [REDACTED], which was located at Rosenstrasse in Kassel, and that his bank was closed by the Nazis in 1933, because he and his family were Jewish. According to the information provided by the Claimant, her parents resided at Murhardstrasse 3 in Kassel from 1909 until 1933, after which they resided at an apartment located at Murhardstrasse 1 in Kassel until 1939. The Claimant stated that her father was deported to and interned in the Buchenwald concentration camp in 1941. The Claimant stated that her father was released from Buchenwald with the help of a United States congressman, who also helped her parents flee to the United States, where they arrived in 1941 via Berlin, Germany, and Lisbon, Portugal. According to the information provided by the Claimant, she and her brother financed their parents’ flight to Binghamton, New York, where they arrived in 1941

¹ The CRT will treat the claim to this account in a separate decision.

with one small suitcase because all of her parents' possessions in Germany were confiscated by the Nazis. The Claimant stated that she was able to flee Nazi Germany to the United States in 1937. According to the information provided by the Claimant, her mother died on 9 March 1973 in Binghamton, and her father died on 12 May 1949 in Binghamton.

The Claimant identified Account Owner Walter Herman Hess as her brother, who was born on 20 May 1910 in Kassel, and was married to [REDACTED], née [REDACTED]. In a phone conversation with the CRT on 11 February 2003, the Claimant stated that her brother fled Nazi Germany in approximately 1933 to France, where he met and married his wife. According to the information provided by the Claimant, her brother and his wife resided in France until 1937, when they went to Italy. The Claimant stated that her brother and his wife were forced to leave Italy in approximately 1940 and fled to Switzerland for several months before being required to leave the country. The Claimant further stated that her brother and his wife boarded a plane to Czechoslovakia in 1940, where they resided at Petersgasse 3 in Prague. According to the information provided by the Claimant, she and her parents attempted to arrange for her brother and his wife to flee to the United States but were unsuccessful because the waiting list was too long. The Claimant stated that her brother and his wife were deported from Czechoslovakia to Auschwitz in 1942, where they were killed in the gas chambers.

The Claimant submitted a biography of her family, dated 22 August 2002; her birth and vaccination certificates, dated 2 June 1916; and her and her husband's United States naturalization certificates, dated 4 May 1944 and 8 May 1943, respectively. The Claimant also submitted her parents' marriage and death certificates; her mother's birth certificate; her parents' certificate of non-objection issued in Kassel to the Nazis on 3 January 1941, regarding the payment of flight taxes; her parents' boat ticket to New York via Lisbon, dated 10 April 1941; her parents' certificate of arrival in the United States, dated 24 June 1941; her parents' United States petitions for naturalization, dated 25 April 1941; and her parents' United States certificates of intention, dated 26 November 1941, which also identify her brother and indicate that he resided in Prague, Czechoslovakia. The Claimant indicated that she was born on 1 April 1915 in Kassel.

Information Available in the Bank Records

The bank record of Bank I consists of a list of account owners. According to this record, the Account Owner was Therese Hess. The bank record indicates that the Account Owner held a savings/passbook account. According to this bank record, the account had a balance of 0.40 Swiss Francs on an unknown date. This account remains open and dormant.

The bank records of Bank II consist of an account opening card and an account summary produced 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"). According to these records, the Account Owner was Walter H. Hess, who resided in San Remo, Italy. These bank records indicate that the Account Owner held a demand deposit account, numbered 37021, which had a balance of 44.95 Swiss Francs in 1938. The bank records indicate that the Account Owner temporarily resided in

San Remo, according to the registry card, which states that the Account Owner “at present” (*zur Zeit*) resided in this location. The bank records indicate that the account was closed on 6 June 1939. The amount in the account on the date of its closure is unknown. There is no evidence in the bank records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT’s Analysis

Identification of the Account Owners

The Claimant has plausibly identified Account Owner Therese Hess. Her mother’s middle and last names match the unpublished name of Account Owner Therese Hess. The CRT notes that the bank record of Bank I does not contain any specific information about Account Owner Therese Hess other than her name, and while the bank records do not include Account Owner Therese Hess’ first name, the CRT determines that they are the same person. In support of her claim, the Claimant submitted documents, including her mother’s birth and marriage certificates, which identify her mother’s full name. The CRT also notes that there are no other claimants to this account.

The Claimant has plausibly identified Account Owner Walter Hess. Her brother’s first name, middle initial and last name match the published name of Account Owner Walter Hess. The Claimant identified her brother’s country of residence between 1937 and 1939 as Italy, which matches unpublished information about the time period during which Account Owner Walter Hess held the account at issue from his residence in Italy. Moreover, the Claimant identified her brother’s stay in Italy as a temporary place of residence during his flight through several countries in Europe, which is consistent with unpublished information about Account Owner Walter Hess, who temporarily (*zur Zeit*) resided in Italy at the time he held this account. The CRT also notes that the other claims to this account have been disconfirmed by the CRT due to inconsistent names and countries of domicile provided by the other claimants.

Status of the Account Owners as Victims of Nazi Persecution

The Claimant has made a plausible showing that the Account Owners were Victims of Nazi Persecution. The Claimant stated that the Account Owners were Jewish, lived in Nazi Germany, and Account Owner Therese Hess’ husband was deported to the Buchenwald concentration camp before they were both able to flee to the United States in 1941. The Claimant stated that Account Owner Walter Hess fled Nazi Germany in 1933 and was ultimately deported to Auschwitz in 1942, where he was killed in the gas chambers.

The Claimant’s Relationship to the Account Owners

The Claimant has plausibly demonstrated that she is related to the Account Owners by submitting documents, including her own birth certificate and her parents United States declaration of intention, demonstrating that Account Owner Therese Hess was her mother and that Account Owner Walter Hess was her brother.

The Issue of Who Received the Proceeds

With regard to the account of Account Owner Therese Hess at Bank I, the bank records indicate that the accounts remain open and dormant today.

With regard to the account of Account Owner Walter Hess at Bank II, given the fact that Account Owner Walter Hess was a German national and Nazi Germany was confiscating the assets of its Jewish nationals, including in Swiss banks, and given the application of Presumptions (a), (h) and (j) as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”) (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

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 Account Owner Therese Hess was her mother and Account Owner Walter Hess was her brother, and those relationships justify an Award. Finally, the CRT has determined that neither the Account Owners nor their heirs received the proceeds of the accounts.

Amount of the Award

In this case, the Account Owner Therese Hess held one savings/passbook account and Account Owner Walter Hess held one demand deposit account. Pursuant Article 29 of the Rules, when the value of an account is unknown, as is the case here, the average value of the same or similar type of account in 1945 is used to calculate the present value of the account being awarded. Based on the investigations carried out pursuant to the instructions of the ICEP Investigation, in 1945 the average value of savings/passbook account was 830.00 Swiss Francs and the average value of a demand deposit account was 2,140.00. The present value of this amount is calculated by multiplying it by a factor of 12, in accordance with Article 31(1) of the Rules, to produce a total award amount of 35,640.00 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
April 24, 2003