

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Therese Heidingsfeld

in re Account of Auguste Hirsch

Claim Number: 002151/MG

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Therese Heidingsfeld (the “Claimant”) to the published account of Auguste Hirsch (the “Account Owner”) at the Lausanne branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her paternal aunt’s husband, Auguste (Gusti) Hirsch, who was born on 8 October 1897 in Frankfurt am Main, Germany, and was married to H  l  ne Heidingsfeld in Paris, France. The Claimant stated that her uncle did not have any children. The Claimant stated that her uncle, who was Jewish, owned a toy factory, and that he used to work in France and in Switzerland. The Claimant indicated that her uncle resided at 89 Mozart Avenue in Paris 16, and at 36 Cortambert Street in Paris, and that his last address was at Villa Chanonat, Le Mont-Dore, France. According to the Claimant her aunt died of an illness on 10 April 1941 in Le Mont-Dore. The Claimant further stated that after her aunt’s death, her uncle attempted to flee from France to Switzerland, where he had a bank account and where the Claimant’s father resided, but he was not allowed to enter Switzerland. The Claimant stated that her uncle was deported to either Majdanek or Auschwitz, where he was killed in 1942.

In support of her claim, the Claimant submitted documents, including a Yad Vashem testimony submitted by her paternal uncle, Shlomo Heidingsfeld, on 10 March 1991 in Jerusalem, Israel, describing the deportation of H  l  ne Heidingsfeld’s husband; a bank receipt, dated 16 June 1941 in Mont-Dore, with Auguste Hirsch’s signature; an extract of her aunt’s obituary indicating her name H  l  ne Heidingsfeld, n  e Hirsch, and also describing the work of her husband in France and Switzerland; personal letters addressed to H  l  ne and Gusti Hirsch, dated 1939 and 1942; a photograph of the gravestone of the Claimant’s aunt indicating her name, H  l  ne Heidingsfeld,

née Hirsch; a family photograph showing Auguste Hirsch and his wife; and a detailed family tree.

Information Available in the Bank's Records

The Bank's records consist of extracts from a suspense account ledger, lists of accounts, and a printout from the Bank's database. According to these records, the Account Owner was Auguste Hirsch. The Bank's records do not indicate the Account Owner's address. The Bank's records indicate that the Account Owner held a savings account, numbered 8769, and that the account was transferred on 26 April 1954 to a suspense account for dormant assets. The amount in the account on the date of the transfer was 22.95 Swiss Francs. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. In support of her claim, the Claimant submitted numerous documents, including a bank receipt, dated 16 June 1941 in Mont-Dore, with Auguste Hirsch's signature, and personal letters addressed to Hélène and Gusti Hirsch, dated 1939 and 1942. The CRT further notes that the name Auguste Hirsch appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably those of victims of Nazi persecution. Furthermore, 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 he was deported to either Majdanek or Auschwitz, where he was killed in 1942.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting information showing that the Account Owner was her uncle. The CRT notes that the Claimant indicated in her Claim Form that she has two brothers Rudolph and Leopold Heidingsfeld. The Claimant indicated that she is not representing any members of her family. According to Article 24 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") the rights of individuals to an Account who have not submitted claims to the CRT will, as a general rule, not be considered under the Claims Resolution Process authorized by these Rules.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account 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 her uncle, 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 a savings account. The Bank's records indicate that the value of the account was 22.95 Swiss Francs as of 26 April 1954. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of 150.00 Swiss Francs, which reflects standardized bank fees charged to the account between January 1945 and April 1954. This amount is reduced by 31.07 Swiss Francs, to reflect interest paid to the account at issue between January 1945 and April 1954. Consequently, the adjusted balance of the account at issue is 141.88 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook 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 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
28 May 2004