

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Margit Diaz

in re Account of Elisabeth Hirsch

Claim Number: 500330/AX

Award Amount: 26,750.00 Swiss Francs

This Certified Award is based upon the claim of Margit Diaz, née Hirsch (the “Claimant”), to the account of Ludwig Hirsch and Elisabeth Hirsch.¹ This Award is to the published account of Elisabeth Hirsch (the “Account Owner”) at the Zurich 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 mother, Elisabeth (Lilly) Hirsch, née Meyerstein, who was married to Ludwig Hirsch on 18 December 1919, in Leipzig, Germany. The Claimant indicated that her parents had two children, the Claimant and her sister, Yvonne Hirsch.

According to the Claimant, until 1938, her family lived in Germany, where her father was the owner of a packaging factory, called *Hirsch-Hirsch*. The Claimant indicated that she and her family, who was Jewish, fled to France in 1938. The Claimant stated that her family first resided in Paris, France, and that in 1941 they went into hiding in Mauvezin-Geres, a small village located approximately 60 kilometers from Toulouse, France. The Claimant indicated that the local villagers there helped her family and enabled them to survive the Second World War. The Claimant indicated that her grandmother and several of her cousins who had remained in Germany were deported to Theresienstadt. The Claimant indicated that her sister, Yvonne Hirsch, died in Paris in 1939 and that her father died in Frankfurt-am-Main, Germany, on 21 May 1963. The Claimant indicated that her mother died in Paris, but could not recall the date of her death.

¹ The CRT has previously awarded the account of Ludwig Hirsch and Elisabeth Hirsch to the Claimant. See *In Re Account of Ludwig Hirsch and Elisabeth Hirsch*, which was approved by the Court on 11 April 2005.

In support of her claim, the Claimant submitted her birth certificate, indicating that she was born in Berlin, and that her parents were Ludwig Hirsch and Lilly Meyerstein, and her family booklet, indicating that her parents were Ludwig Hirsch and Elisabeth Meyerstein. The Claimant indicated that she was born on 8 June 1924 in Berlin, Germany.

Information Available in the Bank's Records

The Bank's records consist of account statements, excerpts from the Bank's ledgers, and a signed instruction to hold mail dated 30 January 1939. According to these records, the Account Owner was *Frau* (Mrs.) Elisabeth Hirsch from France. The Bank's records indicate that the Account Owner held one demand deposit account. The Bank's records further indicate that the account was considered dormant by the Bank and was transferred to a suspense account on or before 13 December 1948, at which time the account had a balance of 215.00 Swiss Francs ("SF"). The Bank's records also indicate that the account was booked out from the suspense account by 31 December 1968, and that the balance of the account on that date was SF 72.00. There is no explanation in the Bank's records as to why fees were charged to an account that had been suspended. According to these records, the account was closed by bank fees and charges on 30 January 1980. The balance of the account before the closure was SF 3.00.

The CRT's Analysis

Identification of the Account Owners

The Claimant's mother's name matches the published name of the Account Owner. The Claimant indicated that her parents lived in France beginning in 1938, which is consistent with the published country of residence of the Account Owner. In support of her claim, the Claimant submitted documents, including her family booklet indicating that she was born to Ludwig and Elisabeth Hirsch, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner.

The CRT notes that the other claims to this account were disconfirmed because those claimants provided a different country of residence than the country of residence of the Account Owner. 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 she fled from Germany for France in 1938, and went into hiding in Mauvezin-Geres during the Second World War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's mother. These documents include the Claimant's family booklet, indicating that her parents were Ludwig Hirsch and Elisabeth Meyerstein. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's records indicated that the account was closed to bank fees and charges.

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 mother, and that relationship justifies an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The Bank's records indicate that the value of the account as of 13 December 1948 was SF 215.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 60.00, which reflects standardized bank fees charged to the account between 1945 and 1948. Consequently, the adjusted balance of the account at issue is SF 275.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 26,750.00.

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 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
10 August 2005