

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]
also acting on behalf of [REDACTED 2]

in re Accounts of Theophile Hirtz and T. Hirtz

Claim Number: 501591/SI

Award Amount: 37,125.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], néé [REDACTED] (the “Claimant”) to the published accounts of Theophile Hirtz and T. Hirtz (the “Account Owner”) at the Basel branch of the [REDACTED] (the “Bank”).¹

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 great-uncle, Theophile (Gottlieb) Hirtz,² who was born on 20 February 1888 in Wettolsheim, France, as the son of [REDACTED] and [REDACTED], née [REDACTED]. The Claimant indicated that her great-uncle, who was Jewish, was married to [REDACTED] in 1933 in Mulhouse, France. The Claimant further indicated that her great-uncle was deported to Auschwitz, where he perished on 4 May 1944.

In support of her claim, the Claimant submitted documents, including the birth certificate of Gottlieb Hirtz, indicating that he was born in Wettolsheim to [REDACTED] and [REDACTED], and that he was Jewish; the certificate of domicile of Théophile Hirtz, and a copy of a Mulhouse registry entry regarding Théophile Hirtz's death, indicating that he was the son of [REDACTED]

¹ The CRT notes that 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”), did not determine that the accounts at issue were held by the same individual. However, given that there is no information to the contrary, and that the city of residence of the account owner is identical for each account, the CRT has determined that, for the purposes of this Award, the accounts shall be treated as having been held by the same person.

² The CRT notes that "Gottlieb" is the German equivalent of "Theophile."

and [REDACTED], that he resided at 2 avenue Aristide Briand in Mulhouse between 1926 and 1940, and that he perished in Auschwitz. The Claimant indicated that she was born on 3 March 1942 in Lyon, France. The Claimant is representing her brother, [REDACTED 2], who was born on 8 December 1943, also in Lyon.

Information Available in the Bank's Records

Account of Theophile Hirtz

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Theophile Hirtz, who resided in Mulhouse, France. The Bank's record indicates that the Account Owner held a savings/passbook account. The Bank's record further indicates that the account was considered dormant by the Bank and was transferred to a suspense account on 21 September 1951, and that the amount in the account on the date of its transfer was 563.70 Swiss Francs ("SF"). The account remains suspended.

Account of T. Hirtz

The Bank's records consist of a list of unclaimed accounts and a suspense account card. According to these records, the Account Owner was T. Hirtz, who resided in Mulhouse. The Bank's records indicate that the Account Owner held a demand deposit account. According to the Bank's records, the last contact with the Account Owner took place on or before 14 February 1940. The Bank's records further indicate that the balance in the account was transferred to a suspense account for unclaimed assets, and that on 17 June 1948, the balance in the account was SF 18.60. In addition, the Bank's records indicate that this account was closed to fees on 23 January 1964.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's great-uncle's name and city and country of residence match the published name and city and country of residence of the Account Owner.

In support of her claim, the Claimant submitted documents, including the certificate of domicile of Théophile Hirtz, and a copy of a Mulhouse registry entry regarding Théophile Hirtz's death, indicating that he resided in Mulhouse, providing independent verification that the person who is claimed to be the Account Owner had the same name and resided in the same town recorded in the Bank's records as the name and city of residence of the Account Owner. Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Théophile Hirtz, and indicates that his date of birth was 20 February 1888, which matches the information about the Account Owner provided by the Claimant. The database is a

compilation of names from various sources, including the Yad Vashem Memorial of Israel. Finally, the CRT notes that there are no other claims to these accounts.

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 Auschwitz, where he perished on 4 May 1944. The Claimant also submitted the certificate of domicile of Théophile Hirtz, and a copy of a Mulhouse registry entry regarding Théophile Hirtz's death, indicating that he perished in Auschwitz. As noted above, a person named Théophile Hirtz was included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's great-uncle.

The CRT notes that the Claimant identified information which matches information contained in the Yad Vashem records. The CRT further notes that the Claimant submitted Théophile (Gottlieb) Hirtz's birth certificate, certificate of domicile, and a copy of a Mulhouse registry entry regarding his death. The CRT notes that it is plausible that these documents are documents which most likely only a family member would possess. 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 she has asserted in her Claim Form. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

Account I

The Bank's record indicates that the account was transferred to a suspense account on 21 September 1951, and that it remains suspended.

Account II

The Bank's records indicate that the account was transferred to a suspense account for unclaimed assets, and subsequently closed to fees on 23 January 1964.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that

the Account Owner was her great-uncle, 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 accounts.

Amount of the Award

With respect to Account I, the Bank's record indicates that the Account Owner held a savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 21 September 1951 was SF 563.70. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 105.00, which reflects standardized bank fees charged to the account between 1945 and 1951. Consequently, the adjusted balance of the account at issue is SF 668.70. According to Article 29 of the Rules, if the amount in a savings/passbook account 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.

With respect to Account II, the Bank's records indicate that the Account Owner held a demand deposit account, and that the value of the demand deposit account as of 17 June 1948 was SF 18.60. 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 78.60. 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.

Consequently, the total 1945 average value of the two accounts is SF 2,970.00. 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 37,125.00.

Division of the Award

According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing her brother, [REDACTED 2]. Accordingly, the Claimant and [REDACTED 2] are each entitled to one-half of the total award amount.

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
29 March 2006