

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]

to Claimant [REDACTED 3]

and to Claimant [REDACTED 4]

in re Account of Jakob Hoffmann

Claim Numbers: 000201/AX; 205456/AX; 220790/AX; 789467/AX; 773253/AX¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1] (“Claimant [REDACTED 1]”), [REDACTED 3] (“Claimant [REDACTED 2]”), [REDACTED 3] (“Claimant [REDACTED 3]”), and [REDACTED 4] (“Claimant [REDACTED 4]”) (together the “Claimants”) to the published account of Jakob Hoffmann (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

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 Claimants

Claimant [REDACTED 1]

Claimant [REDACTED 1] submitted a Claim Form identifying the Account Owner as his father, Jakob Hoffmann, who was born in 1884 in Volove, Austria-Hungary (today, the Ukraine) and was married to [REDACTED], née [REDACTED]. According to Claimant [REDACTED 1], his father resided in Uzhorod, Czechoslovakia (today, the Ukraine), and had two children:

¹ [REDACTED 4] did not submit a Claim Form to the CRT. However, in 1999 she submitted two Initial Questionnaires (“IQs”), numbered ENG-0116030 and ENG-0813170, to the Court in the United States. Although these IQs were not Claim Forms, the Court, in an Order signed on 30 July 2001, ordered that those Initial Questionnaires which can be processed as claim forms be treated as timely claims. Order Concerning Use of Initial Questionnaire Responses as Claim Forms in the Claims Resolution Process for Deposited Assets (July 30, 2001). The IQs were forwarded to the CRT and have been assigned claim numbers 773253 and 789467, respectively.

[REDACTED] (Claimant [REDACTED 1]) and [REDACTED], who perished in Auschwitz in 1944. In a telephone conversation with the CRT on 19 June 2002, Claimant [REDACTED 1] explained that, because Uzhorod became part of Hungary, his father was a Czechoslovakian and Hungarian national. Claimant [REDACTED 1] stated that his father, who was Jewish, was deported to Auschwitz, where he perished. In support of his claim, Claimant [REDACTED 1] submitted his Israeli identity card, indicating that his father was Jakob Hoffmann. Claimant [REDACTED 1] indicated that he was born on 21 November 1925 in Uzhorod.

Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Jakob Hoffmann.

Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her father, Jakob (Jakab) Hoffmann, who was born in 1882 in Papa, Hungary, and was married to [REDACTED], née [REDACTED]. Claimant [REDACTED 2] stated that her parents, who were Jewish, had three children: [REDACTED], who was born in 1906 in Papa and perished in Aushwitz; [REDACTED], who was born in 1922 in Papa and perished in Auschwitz; and [REDACTED] (Claimant [REDACTED 2]). Claimant [REDACTED 2] stated that her father, who owned a large textile factory in Papa, and often traveled on business throughout Europe, held a bank account in Switzerland. According to Claimant [REDACTED 2], in 1944, her family was deported to Auschwitz, where her parents and siblings perished. In support of her claim, Claimant [REDACTED 2] submitted her birth certificate, indicating that her father was Jakab Hoffmann. Claimant [REDACTED 2] indicated that she was born on 28 August 1926 in Papa.

Claimant [REDACTED 2] previously submitted two IQs to the Court in 1999, asserting her entitlement to a Swiss bank account owned by Jakob Hoffmann.

Claimant [REDACTED 3]

Claimant [REDACTED 3] submitted a Claim Form identifying the Account Owner as his father, Jakob (Jakab, Jacob, Jenö) Hoffmann (Hoffman), who was born on 1 April 1896 in Felsoviso (now Viseul de Sus), Romania, and was married to [REDACTED], née [REDACTED], in November 1936 in Vienna, Austria. Claimant [REDACTED 3] stated that his parents had three children: [REDACTED] (Claimant [REDACTED 3]), [REDACTED], and [REDACTED]. Claimant [REDACTED 3] indicated that his father, who was an engineer and a businessman, was a Hungarian national who lived with his family in Budapest, Hungary. According to Claimant [REDACTED 3], his father, who was Jewish, was deported in 1944 to a Nazi concentration camp, where he perished. In support of his claim, Claimant [REDACTED 3] submitted a copy of his birth certificate, indicating that his father was Jakab Hoffman, who was Jewish and resided in Budapest, and a copy of the letterhead from his father’s business, indicating that the name of the business was *Hoffmann Radio* and that it was located in Budapest in the 1930s. Claimant [REDACTED 3] indicated that he was born on 23 October 1937 in Hungary.

Claimant [REDACTED 3] previously submitted an IQ with the Court in 1999, asserting his entitlement to a Swiss bank account owned by his grandfather, [REDACTED].²

Claimant [REDACTED 4]

Claimant [REDACTED 4] submitted two IQs to the Court in 1999 identifying the Account Owner as her uncle, Jacob Hoffman (Hoffmann). Claimant [REDACTED 4] indicated that her uncle, who was Jewish, was a businessman and resided in Csorna, Hungary before the Second World War. Claimant [REDACTED 4] indicated that she and her family were forced to perform slave labor and were deported to Auschwitz. In a telephone conversation with the CRT on 7 April 2005, Claimant [REDACTED 4]'s niece indicated that Claimant [REDACTED 4]'s uncle was deported to a concentration camp, where he perished. Claimant [REDACTED 4] indicated that she was born on 19 May 1924.

Information Available in the Bank's Record

The Bank's records consist of an account statement. According to this record, the Account Owner was Jakob Hoffmann. The Bank's record indicates that the Account Owner was a Hungarian national, but do not indicate his domicile. The Bank's record indicates that the Account Owner held one account, the type of which is not indicated. The Bank's record further indicates that the account was transferred to a suspense account on 21 March 1944, as of which date it had a balance of 71.90 Swiss Francs ("SF"). The Bank's record further indicates that on 30 March 1960, the account was removed from the suspense account with a balance of SF 18.00 and transferred back to the Account Owner's account. The Bank's record does not show when the account at issue was closed.

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 find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's record that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process (the "Rules"), claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the five claims of the Claimants in one proceeding.

² The CRT will treat the claim to this account in a separate determination.

Identification of the Account Owner

Claimant [REDACTED 1]'s father's name, Claimant [REDACTED 2]'s father's name, Claimant [REDACTED 3]'s father's name, and Claimant [REDACTED 4]'s uncle's name each match the published name of the Account Owner.³ The Claimants all indicated that their relative was a Hungarian national, which matches unpublished information contained in the Bank's records. In support of their claims, Claimant [REDACTED 1] submitted his Israeli identity card, indicating that his father was Jakob Hoffmann, Claimant [REDACTED 2] submitted her birth certificate, indicating that her father was Jakab Hoffmann, and Claimant [REDACTED 3] submitted his birth certificate, indicating that his father was Jakab Hoffman, 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 Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4] filed IQs with the Court in 1999, asserting their entitlement to a Swiss bank account owned by Jakob Hoffmann, 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 Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4] have based their present claims not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as their relative, but rather on a direct family relationship that was known to them before the publication of the ICEP List. It also indicates that Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4] had reason to believe that their relatives owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 4].

The CRT notes that Claimant [REDACTED 1]'s relative, Claimant [REDACTED 2]'s relative, Claimant [REDACTED 3]'s relative, and Claimant [REDACTED 4]'s relative are not the same person. However, given that the Claimants have identified all published and unpublished information about the Account Owner that is available in the Bank's records; that the information provided by each claimant supports and in no way contradicts any information available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that the other claims to this account was disconfirmed because those claimants provided a different nationality than the nationality of the Account Owner, the CRT finds that the Claimants have each plausibly identified the Account Owner.

³ The CRT notes that the birth certificate of Claimant [REDACTED 3] indicates that his father family's name was spelled Hoffman, while the Account Owner's family name was spelled Hoffmann. However, the CRT further notes that the business letterhead submitted by Claimant [REDACTED 3] indicates that his father used the spelling Hoffmann for his business.

Status of the Account Owner as a Victim of Nazi Persecution

The Claimants have each made a plausible showing that the Account Owner was a Victim of Nazi persecution. Claimant [REDACTED 1] stated that his father, who was Jewish, was deported to Auschwitz, where he perished. Claimant [REDACTED 2] stated that her father, who was Jewish, was deported to Auschwitz, where he perished. Claimant [REDACTED 3] stated that his father, who was Jewish, was deported to a Nazi concentration camp, where he perished. Claimant [REDACTED 4] stated that her uncle, who was Jewish, was deported to a concentration camp, where he perished.

Moreover, the CRT notes that a database containing the names of victims of Nazi persecution includes a person named Jakob Hoffmann, and indicates that his place of birth was Volove, which matches the information about the Account Owner provided by the Claimant [REDACTED 1]. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The Claimants' Relationships to the Account Owner

Claimant [REDACTED 1] has plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his father. These documents included his Israeli identity card, indicating that his father was Jakob Hoffmann.

Claimant [REDACTED 2] has also plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was her father. These documents include Claimant [REDACTED 2]'s birth certificate indicating that Jakob Hoffmann was her father.

Claimant [REDACTED 3] has also plausibly demonstrated that he is related to the Account Owner by submitting specific information and documents demonstrating that the Account Owner was his father. These documents include his birth certificate, indicating that his father was Jakob Hoffman.

Finally, Claimant [REDACTED 4] has also plausibly demonstrated that she is related to the Account Owner by submitting specific biographical information demonstrating that the Account Owner was her uncle. The CRT notes that Claimant [REDACTED 4] identified unpublished information about the Account Owner as contained in the Bank's records; and that Claimant [REDACTED 4] filed an IQ with the Court in 1999, identifying the relationship between the Account Owner and Claimant [REDACTED 4], prior to the publication in February 2001 of the ICEP List. 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 Claimant [REDACTED 4] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 4] 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 other surviving heirs.

The Issue of Who Received the Proceeds

Given that the Claimants' relatives all perished in the Holocaust; that there is no record of the payment of the Account Owner's account to him nor any record of a date of closure of the account; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (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 Claimants. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 1], Claimant [REDACTED 2], and Claimant [REDACTED 3] have each plausibly identified that the Account Owner was their father, and Claimant [REDACTED 4] has plausibly demonstrated that the Account Owner was her uncle, and those relationships justify an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

The Bank records indicate that the value of the account as of 21 March 1944 was SF 71.90. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 of the Rules by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 49,375.00.

Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, each of the Claimants is entitled to one-fourth of the total award amount.

Scope of the Award

The Claimants should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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
3 March 2006