

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Alfred Hoffmann

Claim Number: 205891/AG¹

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Alfred Hoffmann (the “Account Owner”) at 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 Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her great-uncle, Alfred Hoffmann, who was born in 1879 in Strasbourg, France, to [REDACTED] and [REDACTED]. The Claimant stated that Alfred Hoffmann, who was the youngest brother of the Claimant’s maternal grandfather, [REDACTED], was married to [REDACTED] in 1907, and that they lived in Berlin, Germany, and in Frankfurt, Germany. The Claimant indicated that Alfred and [REDACTED] Hoffmann had three children: [REDACTED], who was born in 1907 in Hanover, Germany; [REDACTED], who was born in 1909 in Berlin; and [REDACTED], who was born in 1911 in Frankfurt, Germany.

The Claimant stated that Alfred and [REDACTED] Hoffmann, who were Jewish, were deported in 1942 to Theresienstadt, where they perished. The Claimant further stated that Alfred and [REDACTED] Hoffmann’s son, [REDACTED], fled in 1936 to South Africa, where he died in 1989, and that their daughters, [REDACTED] and [REDACTED], fled in 1939 to the United Kingdom, and immigrated in 1953 to the United States, where they lived together and where they both died in the early 1990s. According to the Claimant, Alfred Hoffmann’s children remained unmarried, and did not have any children. The Claimant indicated that she is her great-uncle’s only surviving heir.

¹ The Claimant submitted an additional claim to the account of [REDACTED], which is registered under the Claim Number 205890. The CRT will treat the claim to this account in a separate decision.

In support of her claim, the Claimant submitted a detailed family tree and history, and numerous documents, including her birth certificate; her mother's birth certificate, identifying her father as [REDACTED] and indicating Berlin as her place of birth; her grandmother's birth certificate indicating Berlin as her place of birth; her grandparents' marriage certificate, dated 6 July 1906, identifying her grandfather as [REDACTED], son of [REDACTED] and [REDACTED], and indicating Berlin as their place of marriage and identifying Alfred Hoffman as one of the witnesses; and a statement made under oath made by her cousin, [REDACTED], in 1962 for the purposes of a reparation claim, in which she states that her father was Alfred Hoffmann. The Claimant indicated that she was born on 27 January 1940 in Shurugwe, Zimbabwe. The Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Alfred Hoffmann.

Information Available in the Bank's Record

The Bank's record consists of a printout from the Bank's database. According to this record, the Account Owner was Alfred Hoffmann from Berlin-Spandau, Germany. The Bank's record indicates that the Account Owner held a custody account and a demand deposit account which were both opened on 22 September 1930. The Bank's record does not show when the accounts at issue were closed, or to whom they were paid, nor do these records indicate the value of these accounts. 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 these accounts in the Bank's system of open accounts, and they therefore presumed that they were closed. These auditors indicated that there was no evidence of activity on these accounts after 1945. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's great-uncle's name and place of residence match the published name and place of residence of the Account Owner. In support of her claim, the Claimant submitted numerous documents, including her birth certificate; her mother's birth certificate, identifying her father as [REDACTED] and indicating Berlin as her place of birth; her grandmother's birth certificate indicating Berlin as her place of birth; her grandparents' marriage certificate, identifying her grandfather as [REDACTED], son of [REDACTED] and [REDACTED], and indicating Berlin as their place of marriage and identifying Alfred Hoffmann as one of the witnesses; and a statement made under oath made by her cousin, [REDACTED], in 1962, for the purposes of a reparation claim, in which she states that her father was Alfred Hoffmann, providing independent verification that the person claimed as the Account Owner had the same name as the person recorded

in the Bank's record as the Account Owner, and that Claimant's relatives had the same place of residence as the place of residence recorded in the Bank's record for the Account Owner. The CRT further notes that the name Alfred Hoffmann appears only once in the February 2001 published list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution.

Additionally, the CRT notes that the Claimant filed an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by Alfred 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. This indicates that the Claimant has based her claim not simply on the fact that an individual identified on the ICEP list as owning a Swiss bank account bears the same name as the name of her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP list. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP list. This supports the credibility of the information provided by the Claimant. Finally, the CRT notes that there are no other claims to this account. Taking all 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 and his wife, who were Jewish, were deported in 1942 to Theresienstadt, where they perished.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting a detailed family tree and history, and numerous familial documents, demonstrating that the Account Owner was the Claimant's great-uncle, the brother of her grandfather. These documents include her birth certificate; her mother's birth certificate, identifying her father as [REDACTED] and indicating Berlin as her place of birth; and her grandmother's birth certificate indicating Berlin as her place of birth. The Claimant also submitted her grandparents' marriage certificate, dated 6 July 1906, identifying her grandfather as [REDACTED], son of [REDACTED] and [REDACTED], and indicating Berlin as their place of marriage and identifying Alfred Hoffman as one of the witnesses; and a statement made under oath made by her cousin, [REDACTED], in 1962, for the purposes of a reparation claim, in which she states that her father was Alfred Hoffmann. The CRT notes that these documents demonstrate that the Claimant's family was from Berlin, the same residence of the Account Owner, as recorded in the Bank's record. The CRT further notes that the Claimants' grandparents' marriage certificate and the statement made by [REDACTED] both identify Alfred Hoffmann as their relative, which provides independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's record as the name of the Account Owner. Furthermore, the Claimant previously submitted an ATAG Ernst & Young claim form in 1998, asserting her entitlement to a Swiss bank account owned by her great-uncle, Alfred

Hoffmann. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was 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 the Claimant has asserted in her Claim Form.

The Issue of Who Received the Proceeds

Given that in 1933 the Nazis embarked on a campaign to seize the domestic and foreign assets of Jewish nationals in Germany through the enforcement of flight taxes and other confiscatory measures including confiscation of assets held in Swiss banks; that the Account Owner remained in Germany until 1942, when he was deported to Theresienstadt, where he perished, and would not have been able to repatriate his accounts to Germany without their confiscation; that there is no record of the payment of the Account Owner's accounts to him nor any record of dates of closures of the accounts; that the Account Owners and his heirs would not have been able to obtain information about his accounts 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 (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 the Account Owner was her great-uncle, and that relationship justifies 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 accounts.

Amount of the Award

In this case, the Account Owner held one demand deposit account and one custody account. Pursuant to 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 a similar type of account in 1945 is used to calculate the current value of the account being awarded. Based on the ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of a custody account and a demand deposit account is 15,140.00 Swiss Francs. The current value of this amount is calculated by multiplying it

by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of 189,250.00 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
31 December 2003