

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Account of Emilie Hoffmann

Claim Number: 601428/JT¹

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Emilie 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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as his mother, Emilie [REDACTED], née Hofman, who was born on 20 December 1894 in Saalfeld an der Saale, Germany, and married [REDACTED] on 6 July 1919. The Claimant indicated that his father was born on 2 October 1886 and died on 24 October 1961 in San Francisco, California, the United States. The Claimant stated that his mother was not Jewish, but that his father was. The Claimant further stated that his parents had two children, the Claimant and his brother, [REDACTED], who was born in 1925 and died in 1975. The Claimant indicated that his father was an engineer and that he co-owned *Müller und Grünstein Metallwarenfabrik*, in Elgersburg, Germany and solely owned *Grünstein Metallwarenfabrik* in Amsterdam, the Netherlands. The Claimant stated that his parents were wealthy and that they frequently traveled to Switzerland for business and pleasure. The Claimant stated that his family lived in Cologne, Germany from 1936 to 1937 and in Amsterdam, the Netherlands from 1937 to 1947. The Claimant further stated that his mother died on 23 January 1971 in Palo Alto, California, the United States. In support of his claim, the Claimant submitted documents, including his birth certificate indicating that his mother was Emilie [REDACTED], née Hofman, and a copy of a document dated 8 December 1938 showing

¹ The Claimant submitted a claim, numbered B-02168, on 22 February 2000, to the Holocaust Claims Processing Office (“HCPO”) of the New York State Banking Department. This claim was referred by the HCPO to the CRT and has been assigned Claim Number 601428/JT.

that his father, [REDACTED], was declared a Jew and was forced to liquidate his company. The Claimant indicated that he was born on 12 June 1921 in Elgersberg, Germany.

Information Available in the Bank Records

The bank records consist of a list of accounts and a printout from the Bank's database. According to these records, the Account Owner was Emilie Hoffmann. The bank records indicate that the Account Owner held a savings/passbook account with a balance of 2.54 Swiss Francs as of 1 January 1999. The account remains open and dormant.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His mother's name matches the unpublished name of the Account Owner. In support of his claim, the Claimant submitted documents, including his birth certificate indicating that his mother was Emilie [REDACTED], née Hofman, and a copy of a document dated 8 December 1938 showing that his father, [REDACTED], was declared a Jew and was forced to liquidate his company.

The CRT notes that the Claimant filed an HCPO claim form in February 2000, asserting his entitlement to a Swiss bank account owned by Emilie Charlotte [REDACTED], née Hofman, 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 the Claimant has based his present claim on a direct family relationship that was known to him before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that his 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. In view of the Claimant's filing of an HCPO claim prior to the publication of the ICEP list, the CRT concludes that the difference in spelling between the name in the bank records, Emilie Hoffmann, and the Claimant's mother, Emilie Hofman, is not of substantive significance and the difference is plausibly due to a transcription error. The CRT also notes that there are no other claims to this account.

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 married to a Jewish man and that she lived in Nazi-occupied Germany and the Netherlands during the War.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents demonstrating that he is her son. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The bank records indicate 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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was his mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

The bank records indicate that the value of the savings/passbook account as of 1 January 1999 was 2.54 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 208.74 Swiss Francs, which reflects standardized bank fees charged to the savings/passbook account between 1945 and 1 January 1999. Consequently, the adjusted balance of the account at issue is 211.28 Swiss Francs. According to Article 35 of the Rules, if the amount in a savings/passbook account was less 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 present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 9,960.00 Swiss Francs.

Initial Payment

In this case, the Claimant is age 75 or older and is therefore entitled to receive payment of 100% of the total award amount.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he 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

December 27, 2002