

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Walter Hoffmann
also acting on behalf of [REDACTED 1], [REDACTED 2]
and [REDACTED 3]

in re Account of Walter Hoffmann

Claim Numbers: 214398/AX; 214399/AX

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claims of Walter Hoffmann (the “Claimant”) to the accounts of Gustav and Käte Hoffmann.¹ This Award is to the published account of Walter Hoffmann (the “Account Owner”) at the Biel 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 Claimant

The Claimant submitted Claim Forms identifying the Account Owner as himself. The Claimant stated that he was born on 24 June 1924 in Breslau, Germany (today, Poland) and was the son of Gustav and Käte Hoffmann. The Claimant stated that he is Jewish, and lived with his parents in Breslau, where his father was a bank employee. The Claimant stated that his father died of natural causes in 1935, and that his mother died in 1956 in Israel. According to the Claimant, in July, 1939, he fled from Germany to Palestine (today, Israel), where he presently resides in Tel-Aviv. In support of his claim, the Claimant submitted numerous documents, including his birth certificate, his school report from Breslau, his mother’s death certificate, and the probate decision with respect to his mother’s estate, all indicating the Claimant’s name is Walter Hoffmann.

The Claimant is representing his brother-in-law, [REDACTED 3], who was born in 1927 in Montreal, Canada; his nephew, [REDACTED 1], who was born in 1957 in Israel; and his niece, [REDACTED 2], who was born in 1953 in Israel.

¹ In a previous award, the CRT awarded the account of Gustav Hoffmann and Käte Hoffmann to the Claimant. See *In re Account of Gustav Hoffman and Käte Hoffmann*, which was approved by the Court on 11 March 2003.

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 Walter Hoffmann. The Bank's record does not contain any information about the Account Owner's place of residence. The Bank's record indicates that the Account Owner held an account, the type of which is not indicated.

According to the Bank's record, the last contact with the Account Owner took place on 5 December 1935. On 4 November 1961, the Bank transferred the account to a collective account for dormant assets. The balance of the account on the date of transfer was 6.40 Swiss Francs ("SF"). The account remains in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified himself as the Account Owner. The Claimant's name matches the published name of the Account Owner. The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than his name. In support of his claim, the Claimant submitted documents, including his birth certificate, his school report from Breslau, his mother's death certificate, and the probate decision with respect to his mother's estate, all indicating his name is Walter Hoffmann, providing 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. 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 he is Jewish, and that he fled from Germany to Palestine in 1939 to escape Nazi persecution.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is the Account Owner. The Claimant submitted his birth certificate, indicating his name is Walter Hoffmann.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred to a collective account for dormant assets, where it remains.

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 he is the Account Owner, and this justifies an award. Third, the CRT has determined that the Account Owner did not receive the proceeds of the claimed account. Furthermore, the CRT notes that the Claimant, as the Account Owner, has a better entitlement to the account than the parties he represents.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank’s record indicates that the value of the account as of 4 November 1961 was SF 6.40 . In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 255.00 , which reflects standardized bank fees charged to the account between January 1945 and November 1961. Consequently, the adjusted balance of the account at issue is SF 261.40. 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 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 49,375.00 .

Division of the Award

The Claimant is representing his brother-in-law, [REDACTED 3], his nephew, [REDACTED 1], and his niece, [REDACTED 2]. As stated above, the Claimant has a better entitlement to the award than the parties he represents. Accordingly, the Claimant is entitled to the entire 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 his claims 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
18 August 2004