

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]

and to Claimant [REDACTED 2]  
also acting on behalf of [REDACTED 3]

## **in re Account of A. Hofmann**

Claim Numbers: 000493/GO; 402103/GO

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of Anna Hofmann and the claim of [REDACTED 2], née [REDACTED], (“Claimant [REDACTED 2]”) (together the “Claimants”) to the account of Alexander Steiner.<sup>1</sup> This Award is to the unpublished account of A. Hofmann (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>2</sup>

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 mother, Anna Hofmann, née Briner, who was born in Kuldiga, Latvia, and was married to [REDACTED]. Claimant [REDACTED 1] indicated that he was his parents’ only son. Claimant [REDACTED 1] further indicated that his mother, who was Jewish, resided at Progresā 1/22 in Riga, Latvia, prior to the Second World War. Claimant [REDACTED 1] indicated that,

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<sup>1</sup> In a separate decision, the CRT treated Claimant [REDACTED 2]’s claim to the account of Alexander Steiner. See *In re Account of Alexander Steiner* (approved on 27 February 2007).

<sup>2</sup> The CRT notes that on the List of Account Owners Published in 2005 (the “2005 List”), the name A. Hofmann also appears as being a Power of Attorney Holder. Upon careful review, the CRT has determined that the A. Hofmann on the 2005 List is not the same person addressed in the current decision and, consequently, the Claimants did not identify this power of attorney holder as their relative.

in 1941, he and his mother were deported to the Riga ghetto, where his mother was killed by the Nazis on 31 November 1941.

Claimant [REDACTED 1] indicated that he was born on 15 November 1922 in Berlin, Germany. Claimant [REDACTED 1] previously submitted an Initial Questionnaire (“IQ”) to the Court in 1999, asserting his entitlement to a Swiss bank account owned by Anna Hofmann.

#### Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a Claim Form identifying the Account Owner as her paternal grandfather’s sister, Anna Hofmann, née Steiner, who was born in Sillein, Austro-Hungarian Empire (today Zilina, Slovakia). Claimant [REDACTED 2] indicated that his great-aunt, who was Jewish, resided in Sillein and perished in 1944 in a concentration camp.

In a support of his claim, Claimant [REDACTED 2] submitted copies of documents, including: (1) her grandfather’s birth certificate, indicating that [REDACTED] was born on 18 November 1964 in Zilina, and that [REDACTED] and [REDACTED] were his Jewish parents; (2) her father’s birth certificate, indicating that [REDACTED] was born on 2 May 1893 in Zalesna (Sillein), and that [REDACTED] and [REDACTED] were his Jewish parents; (3) her father’s death certificate, indicating that [REDACTED] died on 15 November 1944 in a concentration camp; (4) her brother’s birth certificate, indicating that [REDACTED 3] was born on 27 November 1922 in Cadca, Czechoslovakia (today Slovakia), and that [REDACTED] and [REDACTED] were his parents;<sup>3</sup> (5) her own birth certificate, indicating that [REDACTED 2] was born on 27 January 1927 in Cadca, and that [REDACTED] and [REDACTED] were her parents; and (6) her own marriage certificate, indicating that [REDACTED] and [REDACTED 2] were married on 15 June 1960 in Tel-Aviv, Israel.

Claimant [REDACTED 2] indicated that she was born on 25 January 1927 in Cadca. Claimant [REDACTED 2] is representing her brother, [REDACTED 3], who was born on 27 November 1922 in Cadca.

#### **Information Available in the Bank’s Record**

The Bank’s record consists of an excerpt of a list of accounts that were transferred on 30 June 1937 to a suspense account. According to this record, the Account Owner was *Frau* (Mrs.) A. Hofmann. The Bank’s record does not indicate the Account Owner’s domicile. The Bank’s record indicates that the Account Owner held an account, the type of which is not indicated. The Bank’s record further indicates that the account was transferred on 30 June 1937 to a suspense account. The amount in the account on the date of its transfer was 6.25 Swiss Francs (“SF”). The account remains open and dormant.

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<sup>3</sup> The CRT notes that [REDACTED] and [REDACTED] are the two spelling variations of the same name.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 two claims of the Claimants in one proceeding.

### Identification of the Account Owner

Claimant [REDACTED 1]'s mother's name and Claimant [REDACTED 2]'s great-aunt's name matches the unpublished first initial and last name of the Account Owner. The Claimants each identified the Account Owner's marital status and gender, which match unpublished information about the Account Owner contained in the Bank's record.

The CRT notes that the Bank's record does not contain any specific information about the Account Owner other than her first initial and last name.

Additionally, the CRT notes that a database containing the names of victims of Nazi persecution includes pages of testimonies submitted by: (1) [REDACTED 1] in 1997, indicating that [REDACTED 1]'s mother, Hanna Hofmann, was born in 1901 in Kuldiga, Latvia, and that she perished in Riga on 30 November 1941;<sup>4</sup> and (2) [REDACTED 2] in 2000, indicating that [REDACTED 2]'s great-aunt was born in 1865 in Zilina, Czechoslovakia, that she was married to [REDACTED], and that she perished in a concentration camp, which matches the information about the Account Owner provided by the Claimants. The CRT notes that both Pages of Testimony were submitted prior to the inception of the claims process. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel.

The CRT notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all unpublished information about the Account Owner that is available in the Bank's record; that there is no additional information in the Bank's record 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 were disconfirmed because those claimants provided a different gender than the gender of the Account Owner, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

### 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. The Claimants each stated that the Account Owner was Jewish. In addition,

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<sup>4</sup> The CRT notes that Hanna and Anna are the two spelling variations of the same name.

Claimant [REDACTED 1] indicated that his mother resided in Nazi-occupied Latvia, and that she was deported to the Riga ghetto, where she perished on 31 November 1941. Furthermore, Claimant [REDACTED 2] indicated that her great-aunt resided in Nazi-occupied Czechoslovakia, and that she perished in 1944 in a concentration camp.

As noted above, persons named Anna Hofmann were included in the CRT's database of victims.

#### The Claimant's Relationship to the Account Owner

The Claimants have each plausibly demonstrated that they are related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s great-aunt. The CRT notes that Claimant [REDACTED 2] indicated that she has other surviving relatives, but because they are not represented in Claimant [REDACTED 2]'s claim, the CRT will not treat their potential entitlement to the Account Owner's account in this decision.

The CRT notes that the Claimants each identified unpublished information about the Account Owner as contained in the Bank's record; and that the Claimants each also identified information which matches information contained in the Yad Vashem records. 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 Claimants as a family member, and all of this information supports the plausibility that the Claimants are related to the Account Owner, as they has asserted in their Claim Forms.

#### The Issue of Who Received the Proceeds

The Bank's record indicates that the account remains open and dormant.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 1], Claimant [REDACTED 2] and the represented party, [REDACTED 3]. First, the claims are admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimants have plausibly demonstrated that the Account Owner was Claimant [REDACTED 1]'s mother and Claimant [REDACTED 2]'s and the represented party's [REDACTED 3]'s great-aunt, and those relationships justify an Award. Third, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

#### 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 of unknown type as of 30 June 1937 was SF 6.25. 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. Consequently, the total award amount in this case is 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, Claimant [REDACTED 1] is entitled to one-half of the Award amount, and Claimant [REDACTED 2] and the represented party, [REDACTED 3], are entitled to share the other half of the Award amount.

With respect to the portion of the award designated to Claimant [REDACTED 2] and the represented party, [REDACTED 3], according to the article 23(1)(d) of the Rules, if 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. Accordingly, Claimant [REDACTED 2] and the represented party, [REDACTED 3], are each entitled to half of this share of the Award, or one-fourth each of the total Award amount.

### **Scope of the Award**

The Claimants should be aware that, pursuant to Article 20 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  
15 November 2007