

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]¹

in re Account of Felix Hofmann

Claim Number: 601611/MD²

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the accounts of [REDACTED], Felix Hoffman and [REDACTED].³ This Award is to the account of Felix Hofmann (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”) claiming an account of her father-in-law, [REDACTED]. In the claim form, the Claimant identified Felix Hoffmann as her father. The Claimant stated that her father had informed his family that he had deposited money in Switzerland. The Claimant explained that her father, who was born in 1883, worked as a manager of a large company in Cologne, Germany, where he lived. According to the information provided by the Claimant, Felix Hoffmann was married to [REDACTED], née [REDACTED], and the couple had one child, [REDACTED] (the Claimant), who was born in 1921. The Claimant explained that her family was Jewish, that her father died of natural causes in 1937, and that her mother perished in the Holocaust. The Claimant explained that she fled from Germany to Belgium in 1938, and that she stayed in hiding there until the end of the Second World War. In support of her claim, the Claimant submitted her marriage certificate indicating that she is a daughter of Felix and [REDACTED] Hoffmann from Cologne.

¹ [REDACTED] originally filed a claim for the accounts of [REDACTED], Felix Hoffman, and [REDACTED]. Mr. [REDACTED] passed away in 1999 and his wife, [REDACTED], née [REDACTED], has assumed her late husband's claim.

² The Claimant submitted a claim, numbered B-00258, on 3 November 1997, 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 601611.

³ The CRT will treat the claims to the accounts of [REDACTED] and [REDACTED] in a separate decision.

Information Available in the Bank Record

The bank records consist of a list of dormant accounts. According to this record, the Account Owner was Felix Hofmann. The bank records indicate that the Account Owner held a demand deposit account. The account was considered dormant by the Bank in 1940 due to lack of contact with the Account Owner for a prolonged period of time. The Bank closed the account in December 1940 and the remaining balance of 10.25 Swiss Francs was transferred to a collective account for dormant assets, where it remains open and dormant today.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her father's name matches the published name of the Account Owner.⁴ The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. The CRT also notes that the Account Owner's name as identified in the bank records is spelled "Hofmann," and that the Claimant indicated that her father's name was spelled "Hoffmann." However, the CRT notes that the two variations are pronounced the same, and that both are common variations of the same name. The CRT further notes that there are no other claims to this account.

The CRT notes that the Claimant filed an HCPO claim form in November 1997, asserting her entitlement to a Swiss bank account owned by her father-in-law, 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"). In her HCPO claim, the Claimant also identified her father, Felix Hoffman, and stated that her father had told his family that he had deposited money in Switzerland. This indicates that the Claimant has based her present 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 her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List.

Status of the Account Owner as a Victim or Target of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim or Target of Nazi Persecution. The Claimant stated that the Account Owner was Jewish and that he lived in Nazi Germany until his death in 1937. The Claimant stated further that the Account Owner's wife perished in the Holocaust, and that the Claimant fled to Belgium where she remained in hiding until the end of the Second World War.

⁴ The CRT notes that the Claimant's father's name can be spelled "Hoffmann" or "Hofmann."

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting documents demonstrating that she is the Account Owner's daughter. 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 was transferred to a collective account for dormant accounts, where it remains open and dormant today.

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 (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor his heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one demand deposit account. The bank records indicate that the value of the account as of December 1940 was 10.25 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 2,140.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 25,680.00 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
April 4, 2003