

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award Amendment**

to Claimant [REDACTED 1]<sup>1</sup>  
also acting on behalf of [REDACTED 2]

## **in re Account of Julie Hohenberg**

Claim Numbers: 201645/DE<sup>2</sup>

Original Award Amount: 162,500.00 Swiss Francs

Award Amendment Amount: 53,069.88 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED 1] (the “Claimant”) to the published account of Julie Hohenberg (the “Account Owner”), at the Zurich branch of the [REDACTED] (the “Bank”).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relative of the claimants other than the account owner, and the bank have been redacted.

## **Procedural History**

On 31 December 2003, the Court approved an Award to the Claimant for a custody account owned by the Account Owner (the “December 2003 Award”). At the time of that award, the bank records available to the CRT did not contain information regarding the value of the awarded custody account. However, the Bank recently made available to the CRT additional information about this account, including detailed documentation on the portfolios held in the account. In this Award Amendment, the CRT adopts and amends its findings set out in the December 2003 Award based upon this additional information recently forwarded to the CRT by the Bank.

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<sup>1</sup> On 31 December 2003, the Court approved an award to Claimant [REDACTED 1] (the “Claimant”) for the account of Julie Hohenberg (the “December 2003 Award”), which is the subject of this Award Amendment.

<sup>2</sup> The Claimant submitted one additional claim to the account of Rudolf Hohenberg, which is registered under the Claim Number 201872. The CRT awarded this account to the Claimant in a separate decision. See *In re Account of Rudolf Hohenberg* (approved on 12 May 2006).

## **The December 2003 Award**

In the December 2003 Award, the CRT determined that the Account Owner owned a custody account. The CRT further determined that the Claimant plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of her account and that the Claimant and the represented party are each entitled to one half of the award amount.

Finally, the CRT determined that the Bank's record did not indicate the value of the custody account, and therefore presumed that the value of the custody account was 13,000.00 Swiss Francs ("SF").

## **Information Available in the Bank's Records**

As detailed in the December 2003 Award, the Bank's records indicate that the Account Owner was Julie Hohenberg who resided in Vienna, Austria. The records indicate that the Account Owner held one custody account that was opened on 30 November 1935, and closed on 14 March 1938. The value of the account on the date of its closure is unknown. There is no evidence in the Bank's record that the Account Owner closed the account and received the proceeds herself.

As noted above, the Bank recently provided the CRT with additional documents regarding the custody account. These documents contained a custody account identification card ("*Leitkarte*") and custody account portfolio holding cards ("*Depotvalorenkarten*") for each security held within the custody account.

These documents indicate that at the time the Account Owner was deemed to have lost control over the account, it contained the following security:

- *3.5% British War Loan von 1932* bonds with a face value of 800.00 British Pound Sterling ("£"), which were exempted (*freigestellt*) on 15 March 1938.

## **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance) there are documents concerning the assets of Viktor Hohenberg, numbered 21167. These records indicate that Viktor Hohenberg was married to Julie Hohenberg, née Theumann, and that they both were Jewish. According to these records, Viktor and Julie Hohenberg resided at Kübeckgasse 16/8, Vienna III, and at the time of filing at Rosenbursenstrasse 4, Vienna I, Austria. These records further indicate that Viktor Hohenberg,

who was a businessman, owned 2/3 of a rental building and at least 2/3 of his family business *Firma Leopold Hohenberg*. According to these records, on 4 March 1939 Viktor and Julie Hohenberg were assessed flight tax (*Reichsfluchtsteuer*) amounting to 102,941.00 Reichsmark (“RM”) on total assets of RM 411,765.00 as of 1 January 1938. These records make no mention of assets held in a Swiss bank account.

## **The CRT’s Analysis**

### Basis for the Award Amendment

The CRT has determined that an Award Amendment may be made in favor of the Claimant. The CRT previously determined in the December 2003 Award that the claim is admissible in accordance with Article 18 of the Rules Governing the Claims Resolution Process, as amended (the “Rules”), that the Claimant has plausibly demonstrated that he is related to the Account Owner, and that it is plausible that neither the Account Owner nor her heirs received the proceeds of her account.

### Value of the accounts in the December 2003 Award

In the December 2003 Award, the Account Owner held one custody account

Pursuant to Article 29 of the Rules, when the value of an account is unknown, as was the case for the custody account in March 1938, 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 upon the investigation conducted by the Independent Committee of Eminent Persons (“ICEP” or “ICEP Investigation”), in 1945 the average value of a custody account was SF 13,000.00.

### Amount of the Award Amendment

According to the Guidelines for the Valuation of Securities, circulated to the CRT by Special Master Helen B. Junz, as a general rule, the face value of bonds not in default shall be awarded if the market value was below the nominal value on the date the account owner is deemed to have lost control over the account. The CRT presumes that the account owner, if able to decide freely, could have opted to hold the respective bond to maturity to avoid a capital loss. The market value of bonds shall be awarded if that value was above the nominal value on the date the account owner is deemed to have lost control over the account.

According to the additional information received from the Bank, the Account Owner held the following security in her custody account numbered 55357:

- *3.5% British War Loan von 1932* bonds with a face value of £800.00. These bonds were of good quality and were trading at 100.88% when they were exempted (*freigestellt*) on 15 March 1938. Since the bonds were of good quality and had market values above the face

value, the market value will be used to determine the value of this asset. The total market value of these bonds was £807.00, which was equivalent to SF 17,245.59.<sup>3,4</sup>

Therefore, the Bank's records indicate that the total value of the custody account in March 1938 was SF 17,245.59. The Article 29 value of SF 13,000.00, which was used in the December 2003 Award, is then subtracted from the actual historic value, resulting in a difference of SF 4,245.59. The current value of this amount is determined by multiplying this difference by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total Award Amendment amount of SF 53,069.88.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister, Represented Party [REDACTED 2]. Accordingly, the Claimant and Represented Party [REDACTED 2] are each entitled to one-half of the total award amendment.

#### **Scope of the Award Amendment**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim 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 Amendment**

The CRT certifies this Award Amendment for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
28 October 2008

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<sup>3</sup> The CRT uses official exchange rates when making currency conversions.

<sup>4</sup> The market value for this security was obtained from the *Financial Times*, 16 March 1938.