

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Eli Isac**

Claim Number: 210190/TC<sup>1</sup>

Award Amount: 26,086.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the published account of Eli Isac (the “Account Owner”) at the Lucerne 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 a Claim Form identifying the Account Owner as her uncle, [REDACTED], who was born on 17 April 1897 in Roman, Romania, and was married to [REDACTED], née [REDACTED], on 2 June 1923 in Bucharest, Romania. The Claimant indicated that her aunt and uncle, who were Jewish, lived at Energie 20, Mosilor 258, in Bucharest, and later resided at Stupinei 33, Kiritescu 33, in Bucharest. The Claimant stated that her uncle, who was an engineer, worked for the Swiss company *Brown-Boveri* as chief of the electric elevators division, and traveled often to Switzerland on business from 1924 to 1940. The Claimant further stated that in 1941 her uncle was forced out of his job and his home as a result of the racial laws in place at the time. The Claimant indicated that her aunt died in Bucharest in 31 December 1980, and that her uncle died in Bucharest on 5 June 1987.

In support of her claim, the Claimant submitted the following documents: 1) a decision by the Romanian Labor Ministry, dated 13 May 1941, indicating that the Claimant’s uncle was forced to leave his job at *Brown-Boveri*, along with three other Jewish employees of the company; 2) a response letter from *Brown-Boveri* to the Romanian Labor Ministry, dated 5 July 1941, indicating that [REDACTED] was an engineer and that his employment was terminated as of 5 July 1941; 3) her uncle’s death certificate, indicating that he was born on 17 April 1897 in

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<sup>1</sup> Claimant [REDACTED] (the “Claimant”) submitted four additional claims, which are registered under the Claim Numbers 217974, 217975, 734413, and 734427. The CRT will treat these claims in separate determinations.

Romania, and that he died on 5 June 1987 in Bucharest; and 4) her uncle's will, indicating that the Claimant is her uncle's sole heir.

In addition, the Claimant submitted a decision from the Swiss Federal Department for Foreign Affairs (*Eidgenössisches Departement für Auswärtige Angelegenheiten*), dated 24 January 2000, regarding the Claimant's claim to an account owned by Eli Isac that was identified pursuant to the 1962 Swiss Federal Survey (the "1962 Survey").<sup>2</sup> This decision indicates that Eli Isac owned an account at the Lucerne branch of the Bank, which had a balance of 240.00 Swiss Francs ("SF") as of 28 February 1964. The decision further indicates that the account was transferred to the Swiss Federal Accounting Office (*Eidgenössisches Kassen- und Rechnungswesen*) on 16 March 1967 with a balance of SF 214.00, after fees were deducted by the Bank. Finally, the decision indicates that the Claimant received a compensation for this account in the amount of SF 664.00 on 24 January 2000, representing the amount of SF 214.00 plus compound interest of 3.5 percent yearly for the period from 16 March 1967 to 15 February 2000.

The Claimant indicated that she was born on 6 May 1936 in Romania.

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

The CRT notes that the auditors who carried out the investigation of the Bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not report an account belonging to Eli Isac during their investigation of the Bank. The documents regarding this account were obtained from the Swiss Federal Archive.

### **Information Available from the Swiss Federal Archive**

In the records of the Swiss Federal Archive in Bern, Switzerland, there are documents concerning the registration of assets belonging to Eli Isac. According to these records, the Account Owner was Eli Isac, a Romanian citizen and engineer who resided at Calea Mosilor 258, Aleea Energia 20, Bucharest, Romania. The records indicate that the Account Owner held a demand deposit account. The records further indicate that the last contact with the Account Owner occurred on 5 December 1940, and that the account had a balance of SF 240.00 as of 1 September 1963. According to the records, the account was transferred on 10 August 1967 to the Swiss Federal Accounting Office. The amount in the account on the date of its transfer was SF 214.00.

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<sup>2</sup> The 1962 Survey was conducted pursuant to a Swiss Federal Decree of that year concerning assets held in Switzerland by foreigners or stateless persons who were or who were believed to have been victims of racial, religious or political persecution.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. The Claimant's uncle's name matches the published name of the Account Owner. The Claimant also identified the Account Owner's city and country of residence, street address, and profession, which matches unpublished information about the Account Owner contained in the archival records. In support of her claim, the Claimant submitted documents, including a letter from *Brown-Boveri*, indicating that [REDACTED] was an engineer, and the Account Owner's death certificate, indicating that he died on 5 June 1987 in Bucharest, providing independent verification that the person who is claimed to be the Account Owner had the same name, occupation, and city of residence recorded in the Bank's records as the name, occupation, and city of residence of the Account Owner. The CRT 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 Jewish, and that he was forced to resign from his job and give up his home as a result of the racial laws in place at the time. The Claimant also submitted a decision by the Romanian Labor Ministry and a response letter from *Brown-Boveri*, indicating that the Account Owner's employment was terminated because he was Jewish.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle. These documents include the Account Owner's will, indicating that the Claimant was his niece and is the sole heir to his estate. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The records from the Swiss Federal Archive indicate that the account was transferred to the Swiss Federal Accounting Office on 10 August 1967. The documents provided by the Claimant indicate that she received a compensation for the account in the amount of SF 664.00 on 24 January 2000.

### 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 uncle, and that relationship justifies an Award. Third, 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 records from the Swiss Federal Archive indicate that the value of the account as of 1 September 1963 was SF 240.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 285.00, which reflects standardized bank fees charged to the demand deposit account between 1945 and 1967. Consequently, the adjusted balance of the account at issue is SF 525.00. According to Article 29 of the Rules, if the amount in a demand deposit account was less than SF 2,140.00, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 2,140.00. 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 an award amount of 26,750.00.

The CRT notes that information provided the Claimant and information contained in the records from the Swiss Federal Archive indicate that the Claimant was paid compensation by the Swiss Federal Department for Foreign Affairs for this account on 15 February 2000 in the amount of SF 664.00. Consequently, the amount of SF 664.00 is deducted from the award amount to produce a total award amount of SF 26,086.00.

### **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 claims 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  
October 20, 2006