

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to the estate of Claimant [REDACTED]¹
represented by [REDACTED]

in re Account of Albert W. Jonas

Claim Number: 601262/MBC²

Award Amount: 109,096.87 Swiss Francs

This Certified Award is based upon the claim of [REDACTED] (the “Claimant”) to the account of Albert W. Jonas (the “Account Owner”) at the New York 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 to the Holocaust Claims Processing Office (“HCPO”) identifying the Account Owner as her late husband, Albert Willy Jonas, who was born on 3 March 1898 in Berlin, and was married to the Claimant on 5 September 1925. According to the Claimant, she and her husband, who was Jewish, resided in Berlin, where he had a successful law practice, until 1938, when they fled from Germany to the United States. According to the Claimant, after his arrival in the United States, Albert Willy Jonas worked for the Social Security Administration. The Claimant indicated that her husband died on 22 March 1985. In support of her claim, the Claimant submitted a copy of her marriage certificate, which indicates that Albert W. Jonas was her husband. The Claimant stated that she was born on 28 April 1902 in Treptow an der Rega, Germany.

¹ The Claimant, [REDACTED], passed away on 23 May 2001.

² The Claimant submitted a claim, numbered B-00387, on 12 February 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 601262.

Information Available in the Bank's Records

The Bank's records consist of a list of frozen Swiss bank accounts from the United States Treasury Department and records retrieved from the United States National Archives. According to these records, the Account Owner was Albert W. Jonas. The Bank's records indicate that the Account Owner held an account of unknown type. According to the records retrieved from the United States National Archives, the amount in the account as of 14 June 1941, the date the account was frozen by the United States government, was 2,025.00 United States Dollars. All Swiss assets deposited in the United States were unfrozen after the signature of the Washington Agreement on 25 May 1946. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. Her husband's name matches the name of the Account Owner as identified on the unpublished list of accounts frozen by the United States government. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Albert W. Jonas, and indicates that his date of birth was 3 March 1898 and place of birth was Berlin, which matches the information about the Account Owner provided by the Claimant. The database is a compilation of names from various sources, including the Yad Vashem Memorial of Israel. The CRT also notes that one other claim to the account was disconfirmed due to inconsistent residence information provided by the other claimant. Taking all of these factors into consideration, 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 the Account Owner was Jewish, and that he fled Germany for the United States in 1938. As noted above, a person named Albert W. Jonas is included in the CRT's database of victims.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her own marriage certificate, which indicates that the Account Owner was her husband. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

In this case, the Bank's records indicate that the account was frozen by the United States government on 14 June 1941. The CRT notes that although the Washington Accord provided for the release of certain assets belonging to persecutees that were frozen pursuant to the Trading

with the Enemy Act, not all such assets were returned to their rightful owner.³ In this case, there is no evidence that the Account Owner was notified of the release of his account, or that the account was closed and the proceeds paid to him. Given that it is plausible that the Account Owner did not know that his account had been transferred to the New York branch of the Bank; that during the Second World War, the Bank relocated many accounts to the United States and account owners were rarely informed of such transfers; and given the application of Presumptions (h) and (j), as contained in the Rules Governing the Claims Resolution Process (the “Rules”) (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner or his heirs. Based on its precedent and the Rules the CRT applies presumptions to assist in the determination of whether or not account owners or their heirs received the proceeds of their accounts.

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. Second, the Claimant has plausibly demonstrated that the Account Owner was her husband, and that relationship justifies an Award. Third, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account. Finally, it was because the account owner was a victim of Nazi persecution that he was placed in a situation in which it is plausible that his account was not paid to him or his heirs regardless of whether it was by action of the Bank or the United States government that led to the state of affairs.

Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 14 June 1941 was 2,025.00 United States Dollars, which at that time was equivalent to 8,727.75 Swiss Francs. The current value of the amount of the award is determined by multiplying the historic value by a factor of 12.5, in accordance with Article 37(1) of the Rules. Consequently, the total award amount in this case is 109,096.87 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).

³ With regard to assets frozen under the Trading with the Enemy Act, according to the Findings and Recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States and Staff Report (December 2000)(“PCHA Report”), no exceptions nor distinctions were made for assets belonging to Holocaust victims. PCHA Report, at 11-12. Furthermore, many Holocaust victims did not recover their frozen assets or the full value of their assets. Id. The PCHA Report can be found at <http://www.pcha.gov>.

Certification of the Award

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

Claims Resolution Tribunal
19 November 2003