

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]
also acting on behalf of [REDACTED]
represented by [REDACTED]

in re Account of Ernst Kaiser

Claim Number: 208906/MD

Award Amount: 25,680.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], (the “Claimant”) to the account of Ernst Kaiser (the “Account Owner”) at the Bischofszell 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 father, Ernst Kaiser, who was born on 4 January 1896 in Hindenburg (now Ruda), then part of Germany, and was the son of [REDACTED] and [REDACTED]. The Claimant stated that Ernst Kaiser married [REDACTED], in September 1920, and that the couple had two children: [REDACTED], who was born on 13 June 1921 in Breslau; and [REDACTED] (the Claimant), who was born on 4 March 1924 in Breslau. The Claimant explained that her father was a lawyer and notary in Breslau, where he lived with his family. The Claimant stated that her father, who was Jewish, was a decorated veteran of the First World War, and was initially exempted from the deportations of Jews from Breslau. The Claimant indicated that when Ernst Kaiser’s mother was deported to the Theresienstadt concentration camp in 1941, he traveled with her to Theresienstadt and later returned to Breslau. The Claimant explained that her father was deported by the *Gestapo* to Theresienstadt in 1943 and died there on 25 January 1944. The Claimant asserted that while she had little knowledge of her parents’ financial affairs, she was aware of attempts to smuggle assets out of Germany but has no knowledge of any specific arrangements.

In support of her claim, the Claimant submitted documents, including her birth and marriage certificates, samples of her father’s signature, a family photograph, and a letter regarding reparations from Germany from 1957.

Information Available in the Bank Records

The bank records consist of a list of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Ernst Kaiser Kitchener. While the bank records indicate that the Account Owner's full name was Ernst Kaiser Kitchener, the auditors who investigated this account indicated that in fact, the Account Owner's name was Ernst Kaiser and his place of residence was Kitchener. The bank records indicate that the Account Owner held a demand deposit account. The account had a balance of 22.00 Swiss Francs when it was transferred to a collective account for dormant assets no later than December 1965. The account remains open and dormant.

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. The CRT notes that the bank records do not contain any specific information about the Account Owner other than his name. The CRT notes that a database containing the names of victims of Nazi persecution includes a person named Ernst Kaiser, and indicates that his date of birth was 4 January 1896, and his place of birth was Ruda, 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 further 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 deported to the Theresienstadt concentration camp where he perished. Additionally, as noted above, a database containing the names of victims of Nazi persecution includes a person named Ernst Kaiser, and indicates that his date of birth was 4 January 1896, and that his place of birth was Ruda, which matches the information about the Account Owner provided by the Claimant.

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 surviving heirs other than her brother, whom the Claimant represents.

The Issue of Who Received the Proceeds

The bank records indicate the account was transferred to a collective account where it remains open and dormant.

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, as amended (the "Rules"). Second, the Claimant has plausibly demonstrated that she and her brother, whom she represents, are the Account Owner's children, and those relationships justify 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 1965 was 22.00 Swiss Francs. According to Article 29 of the Rules, if the amount in a demand deposit account was less than 2,140.00, 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, to produce a total award amount of 25,680.00 Swiss Francs.

Division of the Award

The Claimant is representing her brother, [REDACTED] in these proceedings. According to Article 23 of the Rules, her brother is entitled to receive one-half (1/2) of any payment made to the Claimant.

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

March 28, 2003