

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]

## **in re Account of Gustav Kaufmann**

Claim Number: 216907/MBC

Award Amount: 162,500.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED 1], née [REDACTED], (the “Claimant”) to the account of Gustav Kaufmann (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 Form identifying the Account Owner as her paternal grandfather, Gustav Kaufman (Kaufmann), who was born on 17 March 1895 in Gindorf, Germany, and was married to [REDACTED], née [REDACTED], on 19 November 1922 in Viersen, Germany. The Claimant stated that her grandfather, who was Jewish, most likely lived in Viersen, but possibly in Munich, Germany or Gladbach, Germany, prior to the Second World War. The Claimant further stated that her grandparents had one child, the Claimant’s father, [REDACTED], who was born on 4 September 1923 in Germany and died on 26 March 1973 in Park Ridge, Illinois, United States. The Claimant indicated that her grandfather was most likely a businessman in Germany. The Claimant further indicated that her grandfather left Germany with his family in 1936 and thereafter lived in France and Spain, returning to Germany again on an unknown date. The Claimant stated that her grandparents and her father later fled Germany for a second time, on unknown date, and made their way to Switzerland, where they lived until they left for the United States, where the Claimant believes her grandfather lived from at least December 1941. The Claimant further stated that her grandfather died on 30 January 1960 in Chicago, Illinois, and that her grandmother died on 18 August 1994, also in Chicago. The Claimant submitted a family tree, a copy of her grandfather’s United States Certificate of Naturalization, dated 8 September 1943, a copy of her grandfather’s birth certificate, and a copy of her and her sister’s birth and death certificates identifying their father as [REDACTED].

The Claimant indicated that she was born on 23 February 1953 in Chicago. The Claimant is representing her sister, [REDACTED 2], née [REDACTED], who was born on 3 September 1957, also in Chicago.

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

The Bank's records consist of a customer card and printouts from the Bank's database. According to these records, the Account Owner was Gustav Kaufmann, who resided in Frankfurt, Germany. The Bank's records indicate that the Account Owner held a custody account, numbered L8342, which was closed on 26 July 1938. The amount in the account on the date of its closure is unknown.

There is no evidence in the Bank's records that the Account 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 grandfather's name and country of residence match the published name and country of residence of the Account Owner. The CRT notes that the Claimant indicated that her grandfather may have resided in Munich or Gladbach. The CRT considers it likely that the Claimant was referring to Mönchen-Gladbach, which is located approximately ten kilometers from Viersen. The CRT also notes that both Viersen and Mönchen-Gladbach are located in the same region of Germany as Frankfurt, which is the city identified in the Bank's records as the Account Owner's city of residence. Moreover, both Viersen and Mönchen-Gladbach are within 200 kilometers of Frankfurt. Given that Frankfurt is a major financial center in the same region of Germany as the residence of the Claimant's relative, and that the Claimant's relative was a businessman who traveled throughout Germany, the CRT finds it plausible that the Claimant's relative may have provided the Bank with a Frankfurt address for his account. The CRT notes that there are no other claims to this account.

In support of her claim, the Claimant submitted documents, including a detailed family tree and copies of her grandfather's, her father's, and her and her sister's birth certificates, providing independent verification that the person who is claimed to be the Account Owner had the same name recorded in the Bank's records as the name of the Account Owner. Taking all these factors into account, 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 lived in Germany during the Nazi era, eventually fleeing to the United States via Switzerland..

### 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 her grandfather. These documents include the death certificate of her father, [REDACTED], indicating that Gustav Kaufman was his father, and the Claimant's and her sister's own birth certificates demonstrating that their father was [REDACTED]. There is no information to indicate that the Account Owner has surviving heirs other than [REDACTED 2], née [REDACTED], whom the Claimant represents.

### The Issue of Who Received the Proceeds

Given that the Account Owner was in Germany during the Nazi era and fled to the United States via Switzerland sometime before December 1941; that there is no record of the payment of the Account Owner's account to him; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (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 grandfather, 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.

### Amount of the Award

In this case, the Account Owner held one custody account. Pursuant to Article 29 of the Rules, when the value of an account is unknown, as is the case here, 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 on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation, in 1945 the average value of a custody account was 13,000.00 Swiss Francs ("SF"). The current value of this amount is calculated by multiplying it by a factor of 12.5, in accordance with Article 31(1) of the Rules, to produce a total award amount of SF 162,500.00.

### 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 her sister, [REDACTED 2], née [REDACTED]. Accordingly, the Claimant and her sister are each entitled to one-half of the total award amount.

### **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  
10 December 2004