

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Else Fleischmann

in re Account of Frida Koller

Claim Numbers: 202323/ES

Award Amount: 10,375.00 Swiss Francs

This Certified Award is based upon the claim of Else Fleischmann, née Koller, (the “Claimant”) to the account of Robert Koller¹ This Award is to the account of Frida Koller (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

Information Provided by the Claimant

The Claimant submitted a Claim Form identifying the Account Owner as her mother, Frieda Koller, née Benjamin, who was born on 8 July 1900, and was married to Robert Koller on 24 December 1929 in Munich, Germany. The Claimant stated that her parents resided at Rohritzerstrasse in Regensburg, Germany, and owned a business of general merchandise named *Zur Billigen Quelle*. The Claimant explained that the Nazis confiscated her parents’ business and deported them to Piaski, Poland, where they perished in April 1942.

In support of her claim, the Claimant submitted her birth certificate, indicating that her mother was Frieda Koller. The Claimant indicated that she was born on 2 November 1930 in Regensburg. The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by Frieda Koller.

Information Available in the Bank's Record

The Bank's record consists of a list of accounts that were suspended. According to this record, the Account Owner was Frida Koller. The Bank's record does not indicate the Account Owner's place of residence. The Bank's record indicates that the Account

¹ The CRT will treat the claim to this account in a separate decision.

Owner held a savings/passbook account, which was transferred on 11 October 1957 to the Bank's suspense account for dormant assets. The amount in the account on the date of its transfer was 12.62 Swiss Francs. The account remains open in the Bank's suspense account.

The CRT's Analysis

Identification of the Account Owner

The Claimant's mother's name matches the published name of the Account Owner.² In support of her claim, the Claimant submitted documents, including her birth certificate, indicating that her mother was Frieda Koller. The CRT also notes that a database containing the names of victims of Nazi persecution includes a person named Frida Koller, née Benjamin, and indicates that her date of birth was 8 July 1900 and place of death was Piaski, 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 notes that the Claimant filed an Initial Questionnaire with the Court in 1999, asserting her entitlement to a Swiss bank account owned by the Account Owner, prior to the publication in February 2001 of the list of accounts determined by ICEP to be probably or possibly those of Victims of Nazi Persecution (the "ICEP List"). This indicates that the Claimant has based her present claim not simply on the fact that an individual identified on the ICEP List as owning a Swiss bank account bears the same name as her relative, but rather on a direct family relationship that was known to her before the publication of the ICEP List. It also indicates that the Claimant had reason to believe that her relative owned a Swiss bank account prior to the publication of the ICEP List. This supports the credibility of the information provided by the Claimant. Furthermore, the CRT notes that there no other claims to this account. The CRT further notes that the name Frida Koller appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons ("ICEP") to be probably or possibly those of victims of Nazi persecution.

Taking all of 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, who was Jewish, perished in Piaski in 1942. As noted above, a person named Frida Koller, née Benjamin, was included in the CRT's database of victims.

² The CRT notes that the Claimant's mother's first name and the Account Owner's first name are spelled slightly differently, but finds that this minor discrepancy does not adversely affect the Claimant's identification of the Account Owner.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting her birth certificate, demonstrating that the Account Owner was her mother. There is no information to indicate that the Account Owner has other surviving heirs.

The Issue of Who Received the Proceeds

The Bank's record indicates that the account was transferred on 11 October 1957 to the Bank's suspense 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 the Account Owner was her mother, and that relationship justifies an Award. Finally, the CRT has determined that neither the Account Owner nor her heirs received the proceeds of the claimed account.

Amount of the Award

In this case, the Account Owner held one savings/passbook account. The Bank's record indicates that the value of the savings/passbook account as of 11 October 1957 was 12.62 Swiss Francs. According to Article 29 of the Rules, if the amount in a savings/passbook account was less than 830.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 830.00 Swiss Francs. 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 a total award amount of 10,375.00 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).

Certification of the Award

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

Claims Resolution Tribunal
31 December 2003