

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Sima Makowitz

in re Account of I. König

Claim Number: 222120/MBC

Award Amount: 47,400.00 Swiss Francs

This Certified Award is based upon the claim of Sima Makowitz (the “Claimant”) to the Account of I. König (the “Account Owner”) at the Zurich branch of 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 and Initial Questionnaire identifying the Account Owner as her father, Izak (or Izzak) König, who lived and worked at 16 Lvia in Lvov, Poland. The Claimant indicated that her father, who was Jewish, had a shipping business based out of Lvov, and that he frequently discussed his Swiss bank account. The Claimant indicated that her father was killed in 1941 by the Nazis in Lvov.

Information Available in the Bank Records

The bank records consist of an inventory list of accounts transferred to a suspense account and a printout from the Bank’s database. According to these records, the Account Owner was I. König. The Account Owner held one account of unknown type. The bank records indicate that the account was transferred on or before 19 August 1975 to a suspense account. The value of the account at that time was 1.85 Swiss Francs. The bank records indicate that 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 Her father's name matches the unpublished name of the Account Owner. The CRT notes that the bank records do not provide any substantial identifying information about the Account Owner. Thus, the biographical information submitted by the Claimant about her father cannot be compared with bank information. However, 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 Izak König, and continued to pursue her claim to the account, despite it not being on the February 2001 published list of accounts determined by ICEP to be probably or possibly those of victims of Nazi persecution.

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 killed by the Nazis in Lvov in 1941.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting family narratives and documents, including a copy of her United States driver's license. The Claimant has indicated that she is one of three surviving children of the Account Owner.

The Issue of Who Received the Proceeds

The bank records indicate that the account at issue remains open and dormant. Therefore, it is clear that the Account Owner or his heirs have not received the proceeds of the account.

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 23 of the Rules Governing the Claims Resolution Process (the "Rules"). Second, the Claimant has plausibly demonstrated that the Account Owner was her father, and that relationship that justifies an Award. Finally 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

The Bank records indicate that the value of the account as of 19 August 1975 was 1.85 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 465.00 Swiss Francs, which reflects standardized bank fees charged to the account between 1 January 1945 and 19 August 1975. Consequently, the adjusted balance of the account at issue is

466.85 Swiss Francs. According to Article 35 of the Rules, if the amount in an unknown account in 1945 was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The present value of the amount of the award is determined by multiplying the balance as determined by Article 35 by a factor of 12, in accordance with Article 37(1) of the Rules, to produce a total award amount of 47,400.00 Swiss Francs.

Article 37(3)(a) of the Rules provides that where the value of an award is calculated using the value presumptions provided in Article 35 of the Rules, the initial payment to the claimant shall be 35% of the Certified Award, and the claimant may receive a second payment of up to 65% of the Certified Award when so determined by the Court. In this case, the CRT has used the value presumptions of Article 35 of the Rules to calculate the account value, and 35% of the total award amount is 16,590.00 Swiss Francs.

Scope of the Award

The Claimant should be aware that, pursuant to Article 25 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