

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award Amendment

to Claimant [REDACTED 1]

to Claimant [REDACTED 2]¹

in re Account of I. König

Claim Numbers: 222120/MBC; 600010/MBC²

Original Award Amount: 47,400.00 Swiss Francs

Award Amendment Amount: 24,687.50 Swiss Francs

This Certified Award Amendment is based upon the claim of [REDACTED 1] (“Claimant [REDACTED 1]”) to the account of I. König and the claim of [REDACTED 2] (“Claimant [REDACTED 2]”) (together the “Claimants”) to the accounts of Julio Koenig, Emery (Imre) Koenig, Karl Koenig, Julia Koenig, and Bella Vermes Koenig.³ This Award Amendment is to the unpublished account of I. König (the “Account Owner”) at the [REDACTED] (the “Bank”).

All award amendments are published, but where a claimant has requested confidentiality, as in this case, the names of the claimants, any relatives of the claimants other than the account owner, and the bank have been redacted.

Procedural History

On 30 August 2002, the Court approved an Award to Claimant [REDACTED 1] for the Account Owner’s account (the “August 2002 Award”). In this Award Amendment, the CRT adopts and amends its findings to address the entitlement of Claimant [REDACTED 2]. Review of Claimant [REDACTED 2]’s claim subsequent to the August 2002 Award indicates that he is entitled to share in the original award amount, as detailed below.

¹ On 20 August 2002, the Court approved an award to Claimant [REDACTED 1] (“Claimant [REDACTED 1]”) for the account of I. König (the “August 2002 Award”), which is the subject of this Award Amendment.

² Claimant [REDACTED 2] submitted a claim, numbered B-00331, on 24 November 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 600010.

³ The CRT will treat the claims to the accounts of Julio Koenig, Karl Koenig, Julia Koenig, and Bella Vermes Koenig in a separate determination.

The August 2002 Award

In the August 2002 Award, the CRT determined that the Account Owner owned one account of unknown type. The CRT further determined that Claimant [REDACTED 1] plausibly identified the Account Owner, that he plausibly demonstrated that he is related to the Account Owner, and that he made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Additionally, the CRT determined that it is plausible that the Account Owner did not receive the proceeds of his account of unknown type. The CRT noted that the Bank's records indicated the value of the accounts, but pursuant to Article 29 of the Rules Governing the Claims Resolution Process, as amended (the "Rules"), because the account values were below the average value of the same or a similar type of account in 1945, the CRT determined that the value of the account was 3,950.00 Swiss Francs ("SF"), and that the August 2002 Award amount was SF 47,400.00. Finally, the CRT determined that Claimant [REDACTED 1] was entitled to the entire award amount.

Information Provided by Claimant [REDACTED 2]

Claimant [REDACTED 2] submitted a claim to the Holocaust Claims Processing Office ("HCPO") identifying the Account Owner as his father, Emory (Imre) Koenig, who was born on 23 February 1892 in Budapest, Hungary. Claimant [REDACTED 2] indicated that his father, who resided in Budapest, represented Swiss textile mills in Hungary, and was an importer of Swiss products. Claimant [REDACTED 2] explained that Nazi soldiers raided and looted his family's house in April 1944. Claimant [REDACTED 2] stated that his father, who was Jewish, died on 4 August 1981 in Montreal, Canada. In support of his claim, Claimant [REDACTED 2] submitted his father's birth certificate indicating that Imre König was born on 26 February 1892 in Budapest. Claimant [REDACTED 2] indicated that he was born in Budapest on 9 May 1929.

Claimant [REDACTED 2] previously submitted an Initial Questionnaire ("IQ") with the Court in 1999, asserting his entitlement to a Swiss bank account owned by Imre Koenig.

Information Available in the Bank's Records

As detailed in the August 2002 Award, the Bank's records indicate the name of the Account Owner. The records indicate that the Account Owner held one account of unknown type, which was transferred to a suspense account on or before 19 August 1975 with a balance of SF 1.85.

The CRT's Analysis

Joinder of Claims

According to Article 37(1) of the Rules, claims to the same or related accounts may be joined in one proceeding at the CRT's discretion. In this case, the CRT determines it appropriate to join the two claims of the Claimants in one proceeding.

Claimant [REDACTED 2]'s Identification of the Account Owner

Claimant [REDACTED 2]'s father's name matches the unpublished name of the Account Owner. The CRT notes that the Bank's records do not contain any specific information about the Account Owner other than his name. In support of his claim, Claimant [REDACTED 2] submitted his father's birth certificate, indicating that Imre König was born on 26 February 1892 in Budapest, which provides 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.

The CRT further notes that Claimant [REDACTED 1]'s relative and Claimant [REDACTED 2]'s relative are not the same person. However, given that the Claimants have identified all published information about the Account Owner that is available in the Bank's records; that there is no additional information in the Bank's records which would provide a basis for the CRT to make any further determinations as to the identity of the Account Owner; and that there were no other claims to this account, the CRT finds that Claimant [REDACTED 1] and Claimant [REDACTED 2] have each plausibly identified the Account Owner.

Status of the Account Owner as a Victim of Nazi Persecution

Claimant [REDACTED 2] has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. Claimant [REDACTED 2] stated that the Account Owner was Jewish, and that he resided in Budapest during the Second World War. Claimant [REDACTED 2] indicated that his family's home was looted by Nazi soldiers in April 1944.

Claimant [REDACTED 2]'s Relationship to the Account Owner

Claimant [REDACTED 2] has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was Claimant [REDACTED 2]'s father. The CRT notes that Claimant [REDACTED 2] submitted his father's birth certificate, identifying him as Imre König. The CRT notes that it is plausible that this document is a document which most likely only a family member would possess. Finally, the CRT notes that the foregoing information is of the type that family members would possess and indicates that the Account Owner was well known to Claimant [REDACTED 2] as a family member, and all of this information supports the plausibility that Claimant [REDACTED 2] is related to the Account Owner, as he has asserted in his Claim Form. There is no information to indicate that the Account Owner has surviving heirs.

The Issue of Who Received the Proceeds

As detailed in the August 2002 Award, the CRT has concluded that the account's proceeds were not paid to the Account Owner or his heirs.

Basis for the Award Amendment

The CRT has determined that an Award may be made in favor of Claimant [REDACTED 2]. First, Claimant [REDACTED 2]'s claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, Claimant [REDACTED 2] has plausibly demonstrated that he is the Account Owner's son, and that relationship justifies an Award. Third, the CRT determined in the August 2002 Award that neither the Account Owner nor his heirs received the proceeds of the account.

Amount of the August 2002 Award

As detailed in the August 2002 Award, the Account Owner held one account of unknown type. Pursuant to Article 29 of the Rules, when the value of an account is less than the average value of the same or similar type of account, 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 upon the investigation conducted by the Independent Committee of Eminent Persons ("ICEP" or "ICEP Investigation"), in 1945 the average value of an account of unknown type was SF 3,950.00.

According to Article 31 of the Rules, account values are multiplied by an adjustment factor to bring award amounts up to current value. At the time of the August 2002 Award, the adjustment factor was 12, and the resulting award amount was SF 47,400.00.

Since the August 2002 Award, the adjustment factor has been raised to 12.5.

New Division of the Award

According to Article 26 of the Rules, in cases where the identity of the account owner cannot be precisely determined due to the limited information contained in the bank documents, and where several unrelated claimants have established a plausible relationship to a person with the same name as the account owner, the award will provide for a pro rata share of the full amount in the account to each claimant or group of claimants who would be otherwise entitled under these Rules. In this case, each Claimant has established a plausible relationship to a person with the same name as the Account Owner. Accordingly, the Claimants are each entitled to share one-half of the total Award amount.

Amount and Division of the Award Amendment

The CRT recognizes that Article 31(1) of the Rules adjusts account values based upon the length of time that has passed since 1945 and the awarding of the account. In this case, even though Claimant [REDACTED 1] was awarded in August 2002, Claimant [REDACTED 2], who is the subject of this award amendment, was not. Therefore, the CRT finds that the adjustment factor of 12.5, not 12, is the more appropriate factor to bring the value of his share of the awarded account to current value.

Recognizing that almost four years have passed since the August 2002 Award, and that there is no indication that Claimant [REDACTED 1] was aware that another equally entitled person had filed a claim, the CRT determines that Claimant [REDACTED 2] is entitled to a payment from

the Settlement Fund equaling his share of the award amount. As noted above, the total 1945 value of the Account Owner's account was SF 3,950.00. Claimant [REDACTED 2] is entitled to one-half of this amount, or SF 1,975.00. 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 an Award Amendment amount of SF 24,687.50.

Claimant [REDACTED 2] is entitled to the full amount of the Award Amendment.

Scope of the Award Amendment

The Claimants should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on their claims to determine whether there are additional Swiss bank accounts to which they 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 Amendment

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

Claims Resolution Tribunal
29 March 2006