

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED]

**in re Account of Gertrud Krieg**

Claim Number: 219928/MC

Award Amount: 9,960.00 Swiss Francs

This Certified Award is based upon the Claim of [REDACTED] (the “Claimant”) to the account of Gertrud Krieg (the “Account Owner”) at the [REDACTED] (the “Bank”).

All awards are published, but where the 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 mother, Gertrud [REDACTED], née Krieg, who was born in Wypyski, Poland, and who was married to [REDACTED]. The Claimant stated that she is the daughter of the Account Owner and that she was born on 25 December 1925 in Wypyski, Poland.

According to the Claimant, Gertrud [REDACTED] was a housewife and lived with her family in Wypyski, Poland. The Claimant stated that Gertrud and [REDACTED] had three children: [REDACTED], [REDACTED], and the Claimant, [REDACTED]. According to the Claimant, Gertrud Krieg died in January 1939, prior to the outbreak of the Second World War. Her husband, [REDACTED], was murdered by the Nazis in 1941 near Lemberg, Poland, and her son, [REDACTED], was murdered by the Nazis in May 1942 at Dunayev, Poland. The Claimant and her brother, [REDACTED], were confined in a ghetto in Przemyslany and forced to perform slave labor. They later escaped from the ghetto and survived the Second World War by hiding in the woods.

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

The bank records consist of excerpts from the Bank's suspense account ledger. According to these records, the Account Owner was Miss Gertrude Krieg. The bank records indicate that the Account Owner held a passbook savings account. There is no evidence in the bank records that the Account Owner or her heirs closed the account and received the proceeds themselves.

The account was open or opened between 1 January 1933 and 31 December 1945. According to the bank records, the assets in the account were transferred to a collective/suspense account on or before 16 July 1949. The amount in the account on the date of the transfer was 13.35 Swiss Francs. The bank records also indicate that the collective/suspense account was closed on 16 January 1958 as a result of the imposition of bank fees.

## **The CRT's Analysis**

### Identification of the Account Owners

The Claimant has plausibly identified the Account Owner. Her mother's name matches the published name of the Account Owner. Moreover, the Claimant has identified the published name of the Account Owner as her mother's maiden name, which is consistent with unpublished information contained in the bank records regarding the Account Owner's marital status.

### 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 has stated that her mother, Gertrud Krieg, who was Jewish, died in Poland prior to the outbreak of the Second World War in 1939. However, her husband, [REDACTED], who was also Jewish, was murdered by the Nazis in 1941. Additionally, Gertrud and [REDACTED]'s children were Victims of Nazi Persecution. Their son, [REDACTED], was murdered by the Nazis in 1942, and their other children, [REDACTED] and [REDACTED], were confined to a ghetto and forced to perform slave labor and escaped by hiding in the woods during the War.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by providing documents detailing her family's history. There is no information to indicate that the Account Owner has other surviving heirs.

### The Issue of Who Received the Proceeds

The bank records indicate the account was closed on 16 January 1958 as a result of the imposition of bank fees.

### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimants. First, the claimed account belonged to a Victim of Nazi Persecution. 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

The bank records indicate that the value of the passbook savings account as of 16 July 1949 was 13.35 Swiss Francs. In accordance with Article 37(1) of Rules, this amount is increased by an adjustment of 125.00 Swiss Francs, which reflects standardized bank fees charged to the passbook savings account between 1945 and 16 July 1949. This amount is reduced by 13.03 Swiss Francs to reflect interest paid to the account at issue. Consequently, the adjusted balance of the account at issue is 125.32 Swiss Francs. According to Article 35 of the Rules, if the amount in a passbook savings 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 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 9,960.00 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 3,486.00 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