

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant Robert Rudolf Kurschner,
also acting on behalf of Károlyne Péntzes

in re Account of Franz Kürschner

Claim Number: 209572/MBC¹

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Robert Kurschner (the “Claimant”) to the published account of Franz Kürschner (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 identifying the Account Owner as his great-uncle, Franz (Frank, Ferencz) Kürschner, who resided in Hungary. In a telephone conversation with the CRT, the Claimant stated that his relative was Jewish but that he may have been forced to convert to Christianity at some time. In a further telephone conversation with the CRT, the Claimant stated that Franz Kürschner was either the child or the grandchild of his great-grandparents, Joska (Jozsef) Kürschner and Mari Kürschner, née Lengyel, and thus was either the Claimant’s father’s paternal uncle (and therefore the Claimant’s great-uncle) or his father’s cousin. In the same telephone conversation, the Claimant further stated that Joska Kürschner was originally from Tab, Hungary and that his several children (including the Claimant’s grandfather Adolf, and his siblings Bela, Ilus, and Imre, among others) were all born in Tata, Hungary. According to the Claimant, Franz Kürschner was a medical doctor and may have served in the Austrian army at some time. The Claimant further stated that, toward the end of his life, his relative adopted the alias Feri (Ferenc) Szücs, the Hungarian variant of his name,² in an attempt to hide the fact that he was Jewish and thereby to escape Nazi persecution. According to the Claimant, Franz Kürschner committed suicide after being deported from Fehervar (Szekesfehervar), Hungary in

¹ Robert Kurschner (the “Claimant”) submitted one additional claim, which is registered under the Claim Number 209538. In a separate decision, the CRT treated the Claimant’s claim to the account of Dezsö Waldmann. See *In re Account of Dezsö Waldmann* (approved on 17 November 2006).

² The CRT notes that both Kürschner and Szücs translate into English as “furrier.”

1944. Finally, the Claimant indicated that his relative had two sons, who also perished in the Holocaust.

In support of his claim, the Claimant submitted copies of documents, including: 1) his great-grandparents' marriage certificate, indicating that Jozsef Kürschner and Maria Lengyel were married on 16 August 1881 in Tata and that the marriage was also announced in Tab; 2) his parents' marriage certificate, indicating that György Kürschner (who was born on 19 March 1913 in Budapest, Hungary to Adolf Kürschner and Katalin Haas) was married to Julianna Waldmann on 6 May 1934 in Budapest; 3) his own birth certificate indicating that Robert Rudolf Kürschner was born on 19 July 1935 in Budapest and that his parents were György Kürschner and Julianna Waldmann, who were both Jewish; 4) his own Certificate of Naturalization as a United States citizen, dated 15 June 1964, indicating that Robert Kuerschner was born on 19 July 1935 in Hungary; and 5) his sister's passport, indicating that Karolyne Péntzes, née Eva Kürschner, was born on 6 March 1940 in Budapest and that her mother was Julianna Waldmann.

The Claimant indicated that he was born on 19 July 1935 in Budapest. The Claimant is representing his sister, Kàrolyne Péntzes, née Eva Kürschner, who was born on 6 March 1940 in Budapest.

The Claimant previously an Initial Questionnaire ("IQ"), asserting his entitlement to a Swiss bank account owned by Joseph Waldmann.³

Information Available in the Bank's Records

The Bank's records consist of lists of dormant accounts and printouts from the Bank's database. According to these records, the Account Owner was Franz Kürschner, who resided in Budapest, Hungary. The Bank's records indicate that the Account Owner held an account, numbered 39654, the type of which is not indicated, which was opened on 24 January 1939 and was treated as dormant from that date due to inactivity. The Bank's records also indicate that the Account Owner instructed the Bank to hold all correspondence.

The Bank's records indicate that the balance of the account on 17 February 1945 was 2,897.00 Swiss Francs ("SF"). The Bank's records further indicate that the account was transferred to a suspense account for dormant assets on 31 December 1957 and that it was closed to the Bank's profit and loss account on 23 October 1962. The amount in the account on the date of its closure was SF 2,834.00.

The CRT's Analysis

Identification of the Account Owner

The Claimant's relative's name and country of residence match the published name and country of residence of the Account Owner.

³ The CRT will treat the claim to this account in a separate determination.

Although the Claimant was not able to identify his relative's city of residence, the CRT notes that many of the documents the Claimant submitted indicated that family members were born in and lived in Budapest, which is the unpublished city of residence of the Account Owner. In addition, the CRT notes that the other cities in which the Claimant stated that he had relatives, namely Tata and Tab, are approximately 60 kilometers and 125 kilometers, respectively, away from Budapest. The CRT therefore considers it plausible that the Claimant's relative resided in or close to Budapest and that he gave Budapest as his city of residence to the Bank.

The CRT notes that the name Franz Kürschner appears only once on the February 2001 published list of accounts determined by the Independent Committee of Eminent Persons to be probably or possibly those of victims of Nazi persecution ("ICEP" or the "ICEP List").

The CRT notes that the other claims to this account were disconfirmed because those claimants failed to establish a connection to the Account Owner's surname and/or city of residence. 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 was Jewish, and that he committed suicide after being deported by the Nazis in 1944.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting specific biographical information, demonstrating that the Account Owner was the Claimant's paternal relative, the descendant of his great-grandfather Joska Kürschner. The CRT further notes that the Claimant submitted copies of his own birth certificate and his parents' marriage certificate, providing independent verification that his relatives bore the same family name as the Account Owner and that they resided in Budapest. 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 the Claimant as a family member, and all of this information supports the plausibility that the Claimant 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 other surviving heirs, other than the party whom the Claimant is representing.

The Issue of Who Received the Proceeds

The Bank's records indicate that the account was taken into bank profits on 23 October 1962.

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 his paternal relative, and that relationship justifies an Award. Third, the CRT has determined 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 account of unknown type. The Bank's records indicate that the value of this account on 17 February 1945 was SF 2,897.00. In accordance with Article 31(1) of the Rules, this amount is increased by an adjustment of SF 15.00, which reflects standardized bank fees charged to the account in 1945. Consequently, the adjusted balance of the account at issue is SF 2,912.00. According to Article 29 of the Rules, if the amount in an account of unknown type was less than SF 3,950.00 and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be SF 3,950.00. 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. Consequently, the total award amount in this case is SF 49,375.00.

Division of the Award

As noted above, the Claimant identified the Account Owner as either the son or the grandson of the Claimant's great-grandfather, Joska Kürschner, meaning that the Claimant is either a descendant of the Account Owner's parents or of his grandparents. According to Article 23(1)(d) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner have submitted a claim, the award shall be in favor of any descendants of the Account Owner's parents who have submitted a claim, in equal shares by representation. Furthermore, according to Article 23(1)(e) of the Rules, if neither the Account Owner's spouse nor any descendants of the Account Owner's parents have submitted a claim, the award shall be in favor of any descendants of the Account Owner's grandparents who have submitted a claim, in equal shares by representation. The CRT notes that the Claimant is representing his sister, Kàrolyne Péntzes, née Eva Kürschner, in these proceedings. Accordingly, Claimant Robert Kürschner and his sister are each entitled one-half of the total Award amount.⁴

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 his claim to determine whether there are additional Swiss bank accounts to which he 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).

⁴ The CRT notes that the division is the same whether Article 23(1)(d) or Article 23(1)(e) of the Rules Governing the Rules Governing the Claims Resolution Process, as amended (the "Rules") is used.

Certification of the Award

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

Claims Resolution Tribunal
30 May 2008