

# CLAIMS RESOLUTION TRIBUNAL

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

## **Certified Award**

to Claimant [REDACTED 1]  
also acting on behalf of [REDACTED 2]  
represented by [REDACTED]

## **in re Accounts of Alfred Lang**

Claim Numbers: 500693/WT; 500694/WT<sup>1</sup>

Award Amount: 15,500.00 Swiss Francs

This Certified Award is based upon the claims of [REDACTED 1], neé [REDACTED] (the “Claimant”) to the accounts of Elisabeth Lang and Alfred Lang.<sup>2</sup> This award is to the published account of Alfred Lang (the “Account Owner”) at the [REDACTED] (the “Bank”).<sup>3</sup>

All awards are published, but where a claimant has requested confidentiality, as in this case, the

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<sup>1</sup> Claimant [REDACTED 1] (the “Claimant”) submitted thirty-three additional claims, which are registered under the Claim Numbers 216036, 216039, 216090, 500692, 500695, 500696, 500697, 500698, 500699, 500700, 500701, 500702, 500703, 500704, 500705, 500706, 500707, 500708, 500709, 500710, 500711, 500712, 500713, 500714, 500717, 500749, 500751, 500752, 500753, 500754, 500755, 500963, and 500982. In a separate decision, the CRT awarded the accounts of Olga and Fritz Langer to Claimant [REDACTED 1]. See *In re Accounts of Olga and Fritz Langer* (approved on 25 October 2002). In another decision, the CRT awarded the account of Alfred Spitzer to the Claimant. See *In re Account of Alfred Spitzer* (approved on 15 September 2003). In an additional decision, the CRT treated the Claimant’s claim to the accounts of Lily Bader, Regine Stern, and Hilde Pollak. See *In re Accounts of Lily Bader, Regine Stern and Hilde Pollak* (approved on 8 April 2004). Furthermore, the CRT awarded the accounts of Ernest and Elise Spitzer to Claimant [REDACTED 1]. See *In re Accounts of Ernest Spitzer and Elise Spitzer* (approved on 18 November 2004). The CRT treated Claimant [REDACTED 1]’s claim to the accounts of Siegfried Geyerhahn. See *In re Accounts of Siegfried Geyerhahn* (approved on 31 March 2005). The CRT awarded the account of Margarete Goltz-Spitzer to Claimant [REDACTED 1]. See *In re Account of Margarete Goltz-Spitzer* (approved on 23 June 2006). In separate determinations issued on 28 November 2007, the CRT treated the Claimant’s claims to the accounts of Georg Eissler, Helene Eissler, Norbert Geyerhahn, Regina Regula Kaufmann, Frida Lowy, Felix Mayer, Georg Israel Mayer, and Irene Selinko. The CRT awarded the account of Emil Kaufmann to the Claimant. See *In re Account of Emil Kaufmann* (approved on 10 December 2007). In a determination dated 18 December 2007, the CRT treated the Claimant’s claim to the account of Richard Mittler. In a determination dated 11 January 2008, the CRT treated the Claimant’s claim to the account of Hermine Squarenina. In a determination dated 19 March 2008, the CRT treated the Claimant’s claim to the account of Lise Ladrer. In separate determinations approved on 23 June 2008, the CRT treated six of the Claimant’s remaining claims: See *In re Account of Leon Cohen*; *In re Account of Dorothea Freund*; *In re Account of Marianne Freund*; *In re Account of Moritz Kaufmann*; *In re Account of Heinrich Mayer*; *In re Account of Frank Parker*.

<sup>2</sup> The CRT will treat the Claimant’s claim to the account of Elisabeth Lang in a separate determination.

<sup>3</sup> The CRT notes that, 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 (the “ICEP List”), Alfred Lang is indicated as having four accounts. Upon careful review, the CRT has concluded that the Bank’s records evidence the existence of only one account.

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 uncle, the husband of her maternal aunt, [REDACTED], neé [REDACTED]. According to the Claimant, her uncle, Dr. Alfred Lang, was born on 23 March 1901 in Vienna, Austria, and was married to [REDACTED], neé [REDACTED], in August 1947 in New York, New York, the United States. The Claimant indicated that her uncle, who was Jewish, was the son of [REDACTED] and [REDACTED], that he was a doctor of medicine and that he resided at Arndtstrasse 78 and Plösslgasse 3 in Vienna. The Claimant indicated that her aunt's husband fled Austria to the United States in 1939 and that his assets were confiscated by Nazi authorities. The Claimant indicated that both [REDACTED] and [REDACTED] perished in the Holocaust, and that Dr. Alfred Lang died in New York on 10 November 1978.

The Claimant submitted copies of: (1) the 1938 Austrian Census records of [REDACTED], as further described below; (2) a letter, dated 22 May 1942, from the General Health Insurance Authority of Vienna (*Allgemeine Ortskrankenkasse Wien*) to the Berlin German Finance Office ("*Oberfinanzpräsident Berlin*"), indicating that pursuant to the Nuremberg Race Law (*Reichsbürgergesetz*), it was turning over 54,304.21 Reichsmark belonging to Jewish doctors, including the assets of Dr. Alfred Lang, whose last address was Plösslg. 3/23 in Vienna; (3) a letter, dated 8 July 1942, from the *Oberfinanzpräsident Berlin* to its Vienna office (*Oberfinanzpräsident Wien*), inquiring about progress relating to the confiscation of property of Dr. Alfred Lang, whose last residence was in Vienna; (4) numerous documents from the archives of the Compensation Fund for Victims of Political Persecution (*Fonds der Abgeltung von Vermögensverlusten politisch Verfolgter*) in Vienna, indicating that Dr. Alfred Lang was born on 23 March 1901, that he was the son of [REDACTED] and [REDACTED], that he was a doctor of medicine, that he resided at Arndtstrasse 78 and Plösslgasse 3/23 as of 1 March 1938, and that on 22 November 1939 he left Vienna for New York; these records also include a letter, dated 15 September 1944, from the *Oberfinanzpräsident Wien* to the Headquarters of the Gestapo in Vienna (*Geheime Staatspolizei, Staatspolizeileitstelle Wien*), inquiring as to whether Dr. Alfred Israel Lang had in fact left for New York or whether he had been "resettled in the East" ("*nach dem Osten umgesiedelt wurde*"); (5) her aunt's marriage announcement, indicating that Alfred Lang, M.D., married [REDACTED] in August 1947 in New York; (6) the Claimant's aunt's death certificate, indicating that [REDACTED] was born on 22 October 1901 in Vienna, that she was a widow, and that she died on 2 April 1998 in New York; and (7) the Claimant's aunt's last will and testament, indicating that [REDACTED]'s sole heirs were [REDACTED 1], née [REDACTED], and [REDACTED 2].

The Claimant indicated that she was born on 15 January 1938 in Vienna. The Claimant is representing her brother, [REDACTED 2], formerly [REDACTED], who was born on 26 January 1935 in Vienna.

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

The Bank's records consist of a customer card, an extract from a list of account owners whose accounts were registered with the Swiss Compensation Office (*Schweizerische Verrechnungstelle in Bern gemeldeter Vermögenswerte*) between 1945 and 1948, an internal Bank report dated 2 September 1952, an extract of a list of suspended safe deposit boxes which were forced open by the Bank, and printouts from the Bank's database. According to these records, the Account Owner was Dr. Alfred Lang, who resided in Aussig, Austria, and Laa, Austria, at Gut Birkenhof. The Bank's records indicate that Dr. Alfred Lang rented a safe deposit box, numbered S 374, on 19 January 1932. The Bank's records indicate that on 2 September 1952 the Bank opened the safe and it contained a donation contract (*Schenkungsvertrag*) dated 5 December 1931, which the Bank considered valueless. The Bank's records indicate that the contract was stored in another safe deposit box, numbered S 40. The Bank's records indicate that the account was closed on 25 June 1955. The amount in the account on the date of its closure is unknown. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **Information Available from the Austrian State Archive**

By decree on 26 April 1938, the Nazi Regime required all Jews who resided within the Reich, or who were nationals of the Reich, including Austria, and who held assets above a specified level to register all their assets as of 27 April 1938 (the "1938 Census"). In the records of the Austrian State Archive (Archive of the Republic, Finance), there are documents concerning the assets of [REDACTED], numbered 9352. According to these records, [REDACTED] was born on 11 April 1873, and was married to [REDACTED], who was born on 5 March 1863. According to these records, the couple, who were both Jewish, lived at Plösslgasse 3 in Vienna. These records indicate that [REDACTED] also owned a house with a fruit orchard in Sauerbrunn, Austria. The records further contain a letter from [REDACTED] to the Office in the Ministry for Economics and Labor charged with registering and administering Jewish-owned property (*Vermögensverkehrsstelle*), stating that the house and land in Sauerbrunn had been seized by the Gestapo for the benefit of Austria ("*zu Gunsten des Landes Österreich beschlagnahmt*"). These records make no mention of assets held in a Swiss bank account.

## **The CRT's Analysis**

### Joinder of Claims

According to Article 37(1) of the Rules Governing the Claims Resolution Process, as amended (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 Claimant in one proceeding.

### Identification of the Account Owner

The Claimant's uncle's name and country of residence match the published name and country of residence of the Account Owner. The Claimant identified the Account Owner's professional title, which matches unpublished information about the Account Owner contained in the Bank's records. In support of her claim, the Claimant submitted documents, including: (1) a letter from the General Health Insurance Authority of Vienna regarding assets belonging to Dr. Alfred Lang; (2) a letter from the *Oberfinanzpräsident Berlin* regarding the confiscation of property of Dr. Alfred Lang; and (3) numerous documents from the archives of the Compensation Fund for Victims of Political Persecution, indicating that Dr. Alfred Lang was the son of [REDACTED] and [REDACTED], that he was a doctor of medicine, and that he resided at Plösslgasse 3/23 in Vienna. These documents provide independent verification that the person who is claimed to be the Account Owner had the same name and title, and resided in the same country recorded in the Bank's records as the name, title and country of residence of the Account Owner.

The CRT notes that the Bank's records indicate that the Account Owner resided in Aussig, Austria (now Ústí nad Labem, Czech Republic), and Laa, Austria, whereas the Claimant indicated that her uncle resided in Vienna. However, given that the Claimant's uncle's addresses in Vienna were his last known addresses as of 1 March 1938, according to the documents provided by the Claimant; that one of these addresses, Plösslgasse 3, was his parents' address; and that Laa is a small town only 46 kilometers away from Vienna, the CRT concludes that he may have resided or worked in Aussig or Laa before 1938 and therefore, that it is plausible that the Account Owner and the Claimant's uncle are the same person.

The CRT notes that there are no other claims to this account. 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, that he lived in Vienna after the incorporation of Austria into the Reich in March 1938 (the "*Anschluss*"), that his assets were confiscated, that he fled Austria for the United States in 1939 to escape Nazi persecution, and that his parents perished in the Holocaust. The Claimant also submitted the 1938 Census records of the Account Owner's mother and several letters from Nazi officials regarding her uncle, including a letter to the Gestapo inquiring as to his location.

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

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting specific information and documents, demonstrating that the Account Owner was the Claimant's uncle. These documents include her aunt's marriage announcement, indicating that Alfred Lang, M.D. and [REDACTED] were married, and the last will and testament of her aunt, indicating that [REDACTED]'s heirs are [REDACTED 1], née [REDACTED], and [REDACTED 2]. There is no information to indicate that the Account Owner has surviving heirs other than the party whom the Claimant is representing. The CRT further notes that the Claimant identified

unpublished information about the Account Owner as contained in the Bank's records.

### The Issue of Who Received the Proceeds

The CRT notes that the Bank's records indicate that when the safe was opened on 2 September 1952 it contained a donation contract, which was deemed valueless by the Bank, and that the account was closed on 25 June 1955. However, given that there is no record of the receipt of the contents of the Account Owner's account by the Account Owner or his heirs; that the Bank's records do not indicate to whom the account was closed; that this contract in the safe deposit box was deposited with the Bank for safekeeping and its location today is unknown; that the Account Owner fled his country of origin due to Nazi persecution; that the Account Owner and his heirs would not have been able to obtain information about his account after the Second World War from the Bank, even for the stated purpose of obtaining indemnification from the German authorities, due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

### 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. Second, the Claimant has plausibly demonstrated that the Account Owner was her uncle, and that relationship justifies an Award. Third, 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

In this case, the Account Owner held a safe deposit box. Pursuant to Article 29 of the Rules, when the value of an account is unknown, 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 on the investigation carried out pursuant to the instructions of the Independent Committee of Eminent Persons ("ICEP"), in 1945 the average value of a safe deposit box was 1,240.00 Swiss Francs ("SF"). 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 a total award amount of SF 15,500.00.

### Division of the Award

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. In this case, the Claimant is representing her brother, [REDACTED 2].

Accordingly, the Claimant and her brother are each entitled to one-half of the total award amount.

### **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 claims 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  
24 October 2008