

CLAIMS RESOLUTION TRIBUNAL

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

Certified Award

to Claimant [REDACTED]

in re Accounts of Friedrich Langer

Claim Number: 215677/ES

Award Amount: 189,250.00 Swiss Francs

This Certified Award is based upon the claim of [REDACTED], née [REDACTED], (the “Claimant”) to the account of [REDACTED].¹ This Award is to the accounts of Friedrich Langer (the “Account Owner”) at the Zurich branch of the [REDACTED] (the “Bank”).

All awards are published, but where a 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 paternal uncle, Friedrich Langer, who was born on 2 September 1916 in Austria. The Claimant stated that Friedrich Langer and her father, [REDACTED], were the sons of [REDACTED], who was an attorney in Vienna, Austria, and resided at Auerspergstr 19 in Vienna VIII. The Claimant further stated that her grandfather also owned a store, *Haus-und Küchenger*, at Kalvarienberggasse 17, Vienna XVII. The Claimant indicated that her grandfather’s store and office, together with a vacation house outside of Vienna, were confiscated by the Nazis. In a letter the Claimant sent to the CRT in December 2002, the Claimant explained that she does not know what her uncle’s profession was, whether he travelled with his father to Switzerland, or how he managed to flee from Austria to the United States. The Claimant stated that her paternal uncle, who was Jewish, died on 8 November 1979 in the United States.

In support of her claim, the Claimant submitted documents, including her grandfather’s passport, identifying him as [REDACTED] and indicating that he resided in Vienna; her father’s passport stamped with the Nazi stamp, identifying him as [REDACTED] and indicating that he was born in Vienna; her father’s religion certificate and death certificate, identifying him as the son of [REDACTED]; and her own birth certificate, identifying her father as [REDACTED]. The

¹ The CRT will treat the claim to this account in a separate decision.

Claimant also submitted her grandfather's file from the Austrian State Archives, submitted by him to the Nazi regime on 12 July 1938. The Claimant indicated that she received her grandfather's files from the World Jewish Congress. The Claimant further indicated that she was born on [REDACTED] in [REDACTED].

The Claimant previously submitted an Initial Questionnaire with the Court in 1999, asserting his entitlement to a Swiss bank account owned by her paternal grandfather, [REDACTED].

Information Available in the Bank's Record

The Bank's record consists of a customer card. According to this record, the Account Owner was Friedrich Langer who resided in Vienna, Austria. The Bank's record indicates that the Account Owner held a custody account, numbered L57195, which was opened on 18 November 1936 and closed on 29 April 1938, and a demand deposit account, which was opened on 30 November 1936 and closed on 20 December 1940.

The Bank's record does not show to whom the accounts at issue were paid, nor does this record indicate the value of these accounts. There is no evidence in the Bank's record that the Account Owner or his heirs closed the accounts and received the proceeds themselves.

The CRT's Analysis

Identification of the Account Owner

The Claimant's uncle's name matches the published name of the Account Owner. The Claimant stated that her uncle's father resided in Vienna, Austria, which matches unpublished information about the Account Owner contained in the Bank's record. The CRT notes that the Bank's record does not contain any additional information regarding the Account Owner other than his name and city of residence. In support of her claim, the Claimant submitted documents, including her father's death certificate, identifying him as the son of [REDACTED]; her own birth certificate, identifying her father as [REDACTED]; her grandfather's passport, showing that [REDACTED] resided in Vienna, Austria, and her father's passport, indicating that he was born in Vienna. These documents provide independent verification that the Claimant's family was from the same city recorded in the Bank's records as the residence of the Account Owner and that the Claimant's family had the same last name as that recorded in the Bank's records as the last name of the Account Owner.

The CRT further notes that the name Friedrich Langer appears only once 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"). The CRT further notes that the other claims to these accounts were disconfirmed because those claimants provided a different first name or a different country of residence than the first name and country of residence of the Account Owner. 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 resided in Austria, that his father's store and office, together with a vacation house outside of Vienna, were confiscated by the Nazis, and that he fled Austria to the United States.

The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that she is related to the Account Owner by submitting detailed biographical information and documents, including her father's and grandfather's passports, her father's death certificate and her own birth certificate, demonstrating that she is Friedrich Langer's niece.

The Issue of Who Received the Proceeds

Given that the custody account was closed on 29 April 1938 and that the demand deposit account was closed on 20 December 1940 after the *Anschluss*, which occurred on 13 March 1938; that Nazi confiscatory legislation was in effect at the time the accounts were closed; that the Nazis had, at the time of the *Anschluss*, immediately begun a major effort to confiscate the assets of the Jewish residents of Austria, and the CRT has found numerous such confiscations of Swiss bank accounts occurred at this time; that the demand deposit account was also closed after the imposition of Swiss visa requirements on January 20, 1939; that there is no record of the payment of the Account Owner's accounts to him; that the Account Owner or his heirs would not have been able to obtain information about the Account after the Second World War from the Swiss bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by Account Owners and heirs because of the banks' concerns regarding double liability; and given the application of Presumptions (a), (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process (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 paternal uncle, and that relationship 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 accounts.

Amount of the Award

In this case, the Account Owner held one custody account and one demand deposit account. 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 ICEP (the “ICEP Investigation”), in 1945 the average value of a custody account was 13,000.00 Swiss Francs, and the average value of a demand deposit account was 2,140.00 Swiss Francs. Thus, the total 1945 average value of the accounts at issue was 15,140.00 Swiss Francs. 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 189,250.00 Swiss Francs.

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 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
19 November 2003